



City of Kingston Kingston Common Council
Meeting Agenda
Tuesday, December 19, 2017

- A CALL TO ORDER**
- B PLEDGE OF ALLEGIANCE TO THE FLAG**
- C MOMENT OF SILENCE**
- D ROLL CALL**
- E PUBLIC SPEAKING** - *A Maximum of 30 Minutes is Allotted for this Purpose*
- F REPORT OF THE COMMITTEES**
 - F.1. Resolution #255 of 2017
[PILOT DEVIATION.pdf](#)
- G ADJOURNMENT**

RESOLUTION #255 of 2017

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, APPROVING THE DEVIATION BY THE ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY RELATING TO THE TERMS AND CONDITIONS OF A CERTAIN PILOT AGREEMENT TO BE ENTERED INTO BETWEEN ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND LANDMARK PRESERVATION, L.P. IN CONNECTION WITH THE LANDMARK PRESERVATION, L.P. PROJECT.

Sponsored by: Finance and Audit Committee
Aldermen Koop, Scott-Childress, Davis, Schabot, Brown

BE IT ENACTED by the Common Council of the City of Kingston, New York (the "Common Council"), as follows:

WHEREAS, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the "Enabling Act") and Chapter 787 of the 1976 Laws of New York, as amended, constituting Section 923 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act"), the County Legislature of Ulster County has heretofore appointed the Chairman and members of Ulster County Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Landmark Preservation, L.P., a New York limited partnership (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project"), said Project consisting of the following: (A)(1) the acquisition of an interest in (a) an approximately 2.90 acre parcel of land located at 295 Broadway (tax map no. 56.34-9-1) in the City of Kingston, Ulster County, New York (the "Broadway Land"), together with an approximately 69,000 square foot building located thereon (the "Broadway Facility") and (b) an approximately 2.30 acre parcel of land located at 1 Albany Avenue (tax map no. 48.80-1-12.11) in the City of Kingston, Ulster County, New York (the "Albany Land" and collectively with the Broadway Land, the "Land"), together with an approximately 107,000 square foot building located thereon (the "Albany Facility" and collectively with the Broadway Facility, the "Facility"), (2) the renovation and rehabilitation of the Facility, and (3) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to constitute a Section 8, senior and handicapped housing facility to be owned by the Company and leased to residential tenants, together with incidental and related commercial space leased to various commercial entities, and any other directly and indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, in connection with the undertaking of the Project, the Company will execute and deliver a certain payment in lieu of tax agreement (the "PILOT Agreement") by and between the Agency and the Company pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; and

WHEREAS, the proposed payment terms of the PILOT Agreement constitute a deviation from the Agency's Uniform Tax Exemption Policy (the "Policy"); and

WHEREAS, under the Policy, prior to entering into a PILOT Agreement that deviates from the Policy's standard payment terms, the Agency shall (1) notify each affected tax jurisdiction, and (2) attempt to obtain the written consent of all the affected tax jurisdictions; and

WHEREAS, the Agency desires that the City of Kingston, through its Common Council, as one of the affected tax jurisdictions with respect to the Project Facility, adopt a resolution indicating whether the Common Council agrees to the terms of the proposed PILOT Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, AS FOLLOWS:

Section 1. For the purpose of satisfying the requirements contained in the Agency's Policy, the Common Council hereby (1) acknowledges notification of the proposed deviation from the Agency's Policy, (2) waives any formal notice from the Agency of the proposed deviation from the Agency's Policy, and (3) approves the payment terms and other conditions to be contained in the PILOT Agreement, as substantially described in Schedule A attached.

Section 2. The Mayor of the City is hereby authorized, on behalf of the City, to execute and deliver the PILOT Agreement for the purpose of evidencing its approval to the proposed deviation from the Agency's Policy, said PILOT Agreement to contain the terms described in Schedule A attached, with such changes, variations, omissions and insertions as the Mayor of the City shall approve, the execution thereof by the Mayor of the City to constitute conclusive evidence of such approval.

Section 3. The officers, employees and agents of the City are hereby authorized and directed for and in the name and on behalf of the City to do all acts and things required or provided for by the applicable provisions of this Resolution in order to ensure compliance with such provisions as they relate to the execution and delivery of the PILOT Agreement, and to execute and deliver all such additional certificates, instruments and documents, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution.

Section 4. This resolution shall take effect immediately.

Submitted to the Mayor this _____
day of _____, 2017.

Approved by the Mayor this _____
day of _____, 2017.

CARLY WINNIE, CITY CLERK

STEVEN T. NOBLE, MAYOR

Adopted by Council on December 5, 2017

STATE OF NEW YORK)
)SS.:
COUNTY OF ULSTER)

I, the undersigned (Deputy) Clerk of the Common Council of the City of Kingston, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Common Council of the City of Kingston at a regular meeting of the said Common Council of the City of Kingston duly called and held on December __, 2017; that said Resolution was entered in the minutes of said meeting; and that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that (A) all members of said Common Council of the City of Kingston had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given to the public and the news media as required by the Open Meetings Law; and (D) there was a quorum of the members of the Common Council of the City of Kingston present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Kingston, New York this ____ day of December, 2017.

BY: _____
(Deputy) Clerk of the Common Council of the City
of Kingston, New York

(SEAL)

SCHEDULE A

PILOT TERMS

A. Payment Terms.

The amount of payment in lieu of taxes to be paid by the Company will be equal to the amounts set forth in the attached Schedule B.

B. Allocation of Payments.

The amount of payments in lieu of taxes payable annually by the Company will be allocated among the City, the School District and the County pro-rata, based on their tax rates for the particular year.

C. Other Terms.

The proposed PILOT Agreement will also provide for the following additional terms:

- Both projects (Yosman & Gov Clinton) are to remain Senior housing for the entire PILOT period
- A PILOT Mortgage is required
- The Owner/Developer/management maintaining HFA subsidy requirements and standards
- A minimum \$150,000 must be expended to fund the new driveway Ingress/Egress to Albany Avenue and Clinton Avenue. The design and expenditures must be approved by City of Kingston
- Recapture of Benefits (“Clawbacks”) in accordance with the Agency policies shall be based on the future yearly/annual Assessed Values, not just current 2017 pre-redevelopment Assessed Values
- The applicant must hire local, Kingston-area labor, unless such labor is clearly not available