



COMMON COUNCIL MEETING

Common Council Chambers

Monday, April 6, 2020

6:30 p.m.

I. ROLL CALL:

II. REVIEW OF MINUTES:

Common Council Meeting of March 2, 2020

III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda item.

V. MAYOR'S COMMENTS:

VI. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

VII. REPORTS OF COMMITTEES AND BOARDS:

VIII. MOTIONS AND RESOLUTIONS:

1. Resolution R20-29, calling on the Attorney General to investigate instances of price gauging.
2. Resolution R20-30, approving an assignment of lease agreement between the City of Poughkeepsie and Mr. Biagio Bamonte d/b/a Benny's 10th Inning.
3. Resolution R20-31, calling on New York State to increase staff for unemployment.
4. Resolution R20-32, authoring a DOT grant for the restructuring of the Mansion Street Bridge at Pershing.

IX. ORDINANCES AND LOCAL LAWS:

X. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

XI. UNFINISHED BUSINESS:

XII. NEW BUSINESS:

XIII. ADJOURNMENT:

**RESOLUTION OF THE COMMON COUNCIL
CALLING ON THE ATTORNEY GENERAL'S OFFICE TO INVESTIGATE
COMPLAINTS OF PRICE GOUGING
(R20-29)**

INTRODUCED BY COUNCILMEMBER CHERRY AND COUNCILMEMBER L. JOHNSON

WHEREAS, the Coronavirus (COVID-19) pandemic has caused a shortage of certain essential such as cleaning products, disinfectants, face masks, gloves, hand sanitizer, medicines, toilet paper, and soap; and

WHEREAS, additionally, some residents of the City of Poughkeepsie have experienced problems acquiring certain essential food items; and

WHEREAS, Section 396-r of the General Business Law prohibits unconscionably excessive pricing of necessary consumer goods and services during any abnormal disruptions of the normal market; and

WHEREAS, residents of the City that rely on local neighborhood convenience stores and local markets are disproportionately affected by price gouging; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby calls on the New York State Attorney General to investigate incidents of price gouging in the City of Poughkeepsie and provide for additional resources to prevent future incidents of price gouging; and be it further

RESOLVED, that the City Chamberlain is hereby directed to forward a copy of this resolution to the New York State Attorney General, our local state representatives and the Dutchess County District Attorney's office.

SECONDED BY COUNCILMEMBER _____.

**RESOLUTION
(R20-30)**

INTRODUCED BY COUNCILMEMBER MENIST

Assignment of License Agreement between the City of Poughkeepsie and Mr. Biagio Bamonte d/b/a "Benny's 10th Inning"

WHEREAS, the City of Poughkeepsie has previously licensed to Mr. Biagio Bamonte certain premises located at 35 Lincoln Avenue in the City of Poughkeepsie for the operation of a food concession stand; and

WHEREAS, said license agreement was executed in April of 1978 and provided for a one (1) year term, which term was later extended by an amended agreement in 1979, 1981, 1995, 2011 and 2016; and

WHEREAS, Mr. Bamonte has notified the City that he intends to retire and is interested in assigning his interest in the License Agreement to Mr. Richard Dingee; and

WHEREAS, the License Agreement prohibits its assignment without the express written consent of the City which Mr. Bamonte now requests; and

WHEREAS, the City has had an opportunity to review the proposed assignment and finds it is in the best interest of the City to grant its consent; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617.5(c)(26) and (27), and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby consents to the assignment of the License Agreement dated January 1, 2017 between the City of Poughkeepsie and Mr. Biagio Bamonte d/b/a Benny's 10th Inning to Mr. Richard Dingee; and be it further

RESOLVED, that the Mayor and the City Administrator are hereby authorized to execute an assignment of the License Agreement from Mr. Bamonte to Mr. Dingee and do all other things necessary and convenient to give full effect to this Resolution.

SECONDED BY COUNCILMEMBER _____.

ASSIGNMENT OF LICENSE AGREEMENT

For value received, I, BIAGIO BAMONTE, as Assignor, hereby transfer and assign to RICHARD DINGEE, as Assignee, his heirs and assigns, all rights and interest in the License Agreement between CITY OF POUGHKEEPSIE, as Licensor, and Assignor, BIAGIO BAMONTE d/b/a Benny's 10th Inning, as Licensee, dated the 1st day of January, 2017, for the use and operation of premises known as Concession Building at Stitzel, 35 Lincoln Avenue, City of Poughkeepsie, County of Dutchess, State of New York, subject to the covenants, conditions, and payments contained in said contract.

BIAGIO BAMONTE, Assignor

Sworn to before me on March ___, 2020.

NOTARY PUBLIC

ACCEPTANCE BY ASSIGNEE

I, RICHARD DINGEE, accept the above assignment of the License made the 1st day of March, 2017. I agree to perform all obligations to be performed by Assignor under the License, and to indemnify Assignor against any liability arising out of the performance or nonperformance of such obligations.

RICHARD DINGEE, Assignee

Sworn to before me on March ___, 2020.

NOTARY PUBLIC

CONSENT BY SELLER

I, Robert G. Rolison, Mayor of the CITY OF POUGHKEEPSIE, the Licensor named in the License herein assigned, consent to this assignment to Richard Dingee, Assignee as authorized by the Common Council of the City of Poughkeepsie pursuant to Resolution R-20-XX.

Dated: March ___, 2020

CITY OF POUGHKEEPSIE, Licensor

By: _____

ROBERT G. ROLISON, MAYOR

RESOLUTION

R-20-31

A NYS LOCALITY RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL CALLING ON GOVERNOR ANDREW CUOMO AND THE STATE OF NEW YORK TO EXPAND AND IMPROVE CAPACITY OF UNEMPLOYMENT CALL CENTER SERVICES TO MEET THE INCREASED NEED DURING GLOBAL PANDEMIC COVID-19.

SPONSORED BY COUNCILMEMBER PETSAS ON BEHALF OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL:

WHEREAS, the coronavirus pandemic has led to massive lay-offs and a surge in unemployment claims through-out the State of New York; and

WHEREAS, under normal circumstances, the NYS Department of Labor Telephone Claims Center receives about 50,000 calls, however, amidst this crisis, this last week alone received more than 7 million calls with over 1.5 million coming in on Monday, March 30; and

WHEREAS, thousands of New Yorkers are becoming frustrated with the current system and cannot access their rightful claim to unemployment benefits due to the backlogged system; and

WHEREAS, dramatic changes to the current system are desperately needed as thousands of New Yorkers have bills to pay, households to maintain, and mouths to feed with no paycheck in sight;

NOW, THEREFORE

BE IT RESOLVED, that the City of Poughkeepsie Common Council calls on Governor Andrew Cuomo to immediately expand the hours and staff the phone lines of the NYS Unemployment Claim Center so that it can operate 24 hours a day, 7 days a week, to meet the increased needs and demands of New York State residents out of work and to improve the phone system in order to allow callers to know that their claims are being received and processed.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be delivered, by the City Chamberlain to the Hon. Andrew J. Cuomo, Governor, the Hon. Sue Serino., Senator for the 41ST District and the Hon. Jonathon G. Jacobson, Assemblyman for the 104TH District; and

BE IT FURTHER RESOLVED, that the aforesaid resolutions shall take effect immediately.

SECONDED BY COUNCILMEMBER: _____

**RESOLUTION
(R20-31)**

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

INTRODUCED BY CHAIR SALEM

WHEREAS, a Project for the Mansion Street/Fallkill Creek Bridge Replacement (BIN 2262750) in the City of Poughkeepsie, PIN 8756.63 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the City of Poughkeepsie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidentals work; and

WHEREAS, the City of Poughkeepsie understands and agrees that construction of the Project shall commence no later than twenty-four (24) months after award, and the Project must be completed within thirty (30) months of commencing construction; and

WHEREAS, the Common Council has determined that this Project is in the best interest of the City.

NOW, THEREFORE

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Common Council of the City of Poughkeepsie approves and supports the Agreement attached hereto and made a part hereof as if fully set forth; and be it further

RESOLVED, that the Common Council of the City of Poughkeepsie hereby authorizes the City of Poughkeepsie to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of SIX HUNDRED AND TWO THOUSAND DOLLARS (\$602,000) is hereby appropriated from 20BRM01 (Mansion Street Bridge- Engineering 30-08-5110-7461) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the Common Council of the City of Poughkeepsie shall convene

as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the City of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor the following municipal titles: City Administrator, Commissioner of Public Works, and City Engineer are also hereby authorized to execute any necessary Agreements or certifications on behalf of the City of Poughkeepsie, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK)

) SS:

COUNTY OF DUTCHESS)

I, Deanne L. Flynn, Clerk of the City of Poughkeepsie, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said _____

at a meeting duly called and held at the _____ on _____

by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Poughkeepsie, New York, this _____ day of _____, 2020.

Clerk, City of Poughkeepsie

**THE CITY OF POUGHKEEPSIE
OFFICE OF THE CITY ENGINEER**

Rich Voice: 845-451-4069
Fax: 845-451-4101
Email: rdupilka@cityofpoughkeepsie.com

M E M O R A N D U M

TO:	MARC NELSON, CITY ADMINISTRATOR
FROM:	RICHARD L. DuPILKA P.E., CITY ENGINEER
DATE:	APRIL 2, 2020
SUBJECT:	MANSION STREET BRIDGE OVER FALLKILL CREEK BIN #2262750 RECOMMENDATION TO PROCEED WITH PROJECT

Project Background and Purpose

The Mansion Pershing Bridge is a serpentine concrete arch with an integral concrete deck that spans the Fallkill Creek near Lawrence Road and Pershing Avenue. The bridge spans approximately 100 feet along the Fallkill Creek and supports both Mansion Street and Pershing Avenue street pavements. The original structure was built in the mid -1930's.

The existing bridge has been classified by NYSDOT as a scour critical bridge. This means that the bridge foundations bear on the soils adjacent to the creek and not on rock. Given the fact that the foundations do not bear on rock, the foundations are susceptible to scour and potential undermining from creek flows during major storm events. In addition to the identified foundation issues, the railing treatments, sidewalks, and abutments along the span do not meet current standards in regard to highway safety. These elements require replacement and significant upgrades to meet current standards. In order to address these deficiencies, the City of Poughkeepsie Engineer requested funding through the NYSDOT Local Projects program in 2013. The project proceeded through the federal and programming process and was re-programmed in 2018 when federal and state funding was identified for the project. The project has been programmed into the 2020-2022 Dutchess County Transportation Improvement Program (DCTIP). The total estimated project cost is \$ 4.253 million. A copy of the DCTIP is attached.

Project Funding

The anticipated funding stream for the bridge is allocated as follows;

- Federal Share: 80% of project cost
- NY State Share: 10 % of project cost
- (Additional NY State Funding 5%- Marchiselli Funds for which the project is currently eligible
-

Project Funding (continued)

Local Share: 10% of project cost, once Marchiselli funds are granted, the local share would reduce to 5%

Federal and State Funding Requirements

In order to follow Federal and State funding guidelines, a solicitation was carried out by the City Engineer in February 2020 for the purpose of engaging an engineering firm to complete the various phases of engineering work so the project can be publicly bid at a later date. The selected engineering firm will manage the planning, property acquisition, design and construction document preparation, and perform construction management during construction.

However, before a firm can be engaged or any work started on the project, a Local Agreement between the City and the NYSDOT Local Projects Unit (NYSDOT LPU) must be executed. This requires a municipal resolution be passed that will obligate the city to carry out the various phases of work. There are several distinct and project phases for which the city must obligate funding as the project moves forward.

These different phases of work appear below with preliminary project cost estimates per phase:

- Preliminary Engineering (Planning & Environmental)
- Detailed Design (Design, Design Report (Engineering) & Contract Documents
- Right of Way Incidentals (Survey etc.)
- Right of Way-Property Acquisition- as required
- Construction
- Construction Management

Per the 2020-2024 Dutchess County Transportation Improvement Program, the following funding allocations have been allocated to the project over the next three years:

Funding Split: Federal 80%, State 10%*, Local 10%; once Marchiselli Funds are added the State Share increases to 15% and the local share reduces to 5% of project cost.

FFY 2020 :	\$ 602,000	Preliminary and Detailed Engineering
FFY 2021:	\$ 151,000	ROW Incidentals & Acquisition
FFY 2022	\$ 3,500,000	Construction & Construction Inspection
	\$ 4,253,000	Total Project Costs (Estimated)

Based on the observed deficiencies of the structure and the availability of funding sources to help offset the local cost, it is recommended that the Common Council adopt the resolution that is before them so work can commence on rehabilitation of the structure. The adoption of this resolution will allow the city to improve the local infrastructure and provide future sustainability of the span during extreme weather events impacting creek flows.

In order to proceed with the work and be eligible for federal and state reimbursements it is recommended to proceed as follows:

- Prepare and pass the Local Resolution to authorize and obligate funds of \$602,000 for Preliminary Engineering & ROW Incidentals. Once this is done, the city can procure an engineering firm to begin work. When the agreement is in place, reimbursement requests can be transmitted to NYSDOT Local Projects Unit (LPU) for costs incurred for each particular authorized phase of work as we move forward. When the engineering phase of work is complete, a Project Design Report will be submitted to NYSDOT outlining the project construction scope. Once approved by NYSDOT, the other phases of work will be subsequently authorized by NYSDOT LPU and the local agreement(s) will be amended accordingly to reflect the additional funding programmed for the other phases of work.
- Subsequently pass NYSDOT Local Agreement Amendments to authorize the other phases of work as each phase of work is authorized by NYSDOT LPU.



MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

Federal aid Local Project Agreement

COMPTROLLER'S CONTRACT NO. _____

This Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

the City of Poughkeepsie (the "Municipality/Sponsor")
acting by and through Mayor
with its office at 62 Civic Center Plaza, Poughkeepsie, NY 12601.

This Agreement covers eligible costs incurred on or after 1/1.

This Agreement identifies the party responsible for administration and establishes the method or provision for funding of applicable phases of a Federal aid project for the improvement of a street or highway, not on the State highway system, as such project and phases are more fully described by Schedule A annexed to this Agreement or one or more Supplemental Schedule(s) A to this Agreement as duly executed and approved by the parties hereto. The phases that are potentially the subject of this Agreement, as further enumerated below, are: Preliminary Engineering ("PE") and Right-of-Way Incidental ("ROW Incidentals") work; Right-of-Way Acquisition; Construction; and/or Construction Supervision and Inspection. The Federal aid project shall be identified for the purposes of this Agreement as PIN 8756.63, Mansion Street/Falkill Creek Bridge Replacement (BIN 2262750), City of Poughkeepsie, Dutchess County (as more specifically described in such Schedule A, the "Project").

WITNESSETH:

WHEREAS, the United States has provided for the apportionment of Federal aid funds to the State for the purpose of carrying out Federal aid highway projects pursuant to the appropriate sections of Title 23 U.S. Code as administered by the Federal Highway Administration ("FHWA"); and

WHEREAS, the New York State Highway Law authorizes the Commissioner of Transportation (hereinafter referred to as "Commissioner") to use Federal aid available under the Federal aid highway acts and provides for the consent to and approval by the Municipality/Sponsor of any project under the Federal aid highway program which is not on the State highway system before such Project is commenced; and

WHEREAS, pursuant to Highway Law §10(34-a) and section 15 of Chapter 329 of the Laws of 1991 as amended by section 9 of Chapter 330 of the Laws of 1991, as further amended by Chapter 57 of the Laws of New York of 2014, the State has established the "Marchiselli" Program, which provides certain State-aid for Federal aid highway projects not on the State highway system; and

WHEREAS, funding of the "State share" of projects under the Marchiselli Program is administered through the New York State Office of the Comptroller ("State Comptroller"); and

MUNICIPALITY/SPONSOR: City of Poughkeepsie
PROJECT ID NUMBER: 8756.63 BIN: 2262750
CFDA NUMBER: 20.205
PHASE: PER SCHEDULES A

WHEREAS, Highway Law §80-b authorizes the funding of eligible costs of Federal aid Municipal/Sponsor streets and highway projects using State-aid and Federal aid; and

WHEREAS, project eligibility for Marchiselli Program funds is determined by NYSDOT; and

WHEREAS, pursuant to authorizations therefore, NYSDOT and the Municipality/Sponsor are desirous of progressing the Project under the Federal aid and, if applicable, Marchiselli-aid Programs; and

WHEREAS, The Legislative Body of the Municipality/Sponsor by Resolution No. _____ adopted at meeting held on _____ approved the Project, the Municipality/Sponsor's entry into this Agreement, has appropriated necessary funds in connection with any applicable Municipal/Sponsor Deposit identified in applicable Schedules A and has further authorized the _____ of the Municipality/Sponsor to execute this Agreement and the applicable Schedule A on behalf of the Municipality/Sponsor and a copy of such Resolution is attached to and made a part of this Agreement (where New York City is the Municipality/Sponsor, such resolution is not required).

NOW, THEREFORE, the parties agree as follows:

1. *Documents Forming this Agreement.* The Agreement consists of the following:

- Agreement Form - this document titled "Federal aid Local Project Agreement";
- Schedule "A" - Description of Project Phase, Funding and Deposit Requirements;
- Schedule "B" - Phases, Subphase/Tasks, and Allocation of Responsibility
- Appendix "A" - New York State Required Contract Provisions
- Appendix "A-1" - Supplemental Title VI Provisions (Civil Rights Act)
- Appendix "B" - U.S. Government Required Clauses (Only required for agreements with federal funding)
- Municipal/Sponsor Resolution(s) - duly adopted Municipal/Sponsor resolution authorizing the appropriate Municipal/Sponsor official to execute this Agreement on behalf of the Municipality/Sponsor and appropriating the funding required therefore. (Where New York City is the Municipality/Sponsor, such resolution is not required).

***Note – Resolutions for Bridge NY projects must also include an express commitment by the Municipality/Sponsor that construction shall commence no later than twenty-four (24) months after award, and the project must be completed within thirty (30) months of commencing construction.**

2. *General Description of Work and Responsibility for Administration and Performance.* Subject to the allocations of responsibility for administration and performance thereof as shown in Schedule B (attached), the work of the Project may consist generally of the categories of work marked and described in Schedule B for the scope and phase in effect according to Schedule A or one or more Supplemental Schedule(s) A as may hereafter be executed and approved by the parties hereto as required for a State contract, and any additions or deletions made thereto by NYSDOT subsequent to the development of such Schedule(s) A for the purposes of conforming to New York State or to Federal Highway Administration requirements.

The Municipality/Sponsor understands that funding is contingent upon the Municipality/Sponsor's compliance with the applicable requirements of the "Procedures for Locally Administered Federal Aid

MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

Projects" (available through NYSDOT's web site at <https://www.dot.ny.gov/plafap>, and as such may be amended from time to time.

3. *Municipal/Sponsor Deposit.* Where the work is performed by consultant or construction contract entered into with NYSDOT, or by NYSDOT forces, and unless the total non-Federal share of the Project phase is under \$5,000, the Municipality/Sponsor shall deposit with the State Comptroller, prior to the award of NYSDOT's contract or NYSDOT's performance of work by its own forces, the full amount of the non-Federal share of the Project costs due in accordance with Schedule A.

4. *Payment or Reimbursement of Costs.* For work performed by NYSDOT, NYSDOT will directly apply Federal aid and the required Municipality/Sponsor Deposit for the non-Federally aided portion, and, if applicable, shall request State Comptroller funding of Marchiselli aid to the Municipality/Sponsor as described below. For work performed by or through the Municipality/Sponsor, NYSDOT will reimburse the Municipality/Sponsor with Federal aid and, if applicable, Marchiselli aid as described below. NYSDOT will periodically make reimbursements upon request and certification by the Sponsor. The frequency of reimbursement requests must be in conformance with that stipulated in the NYSDOT Standard Specifications; Construction and Materials (section 109-06, Contract Payments). NYSDOT recommends that reimbursement requests not be submitted more frequently than monthly for a typical project. In all cases, reimbursement requests must be submitted at least once every six months.

4.1 *Federal aid.* NYSDOT will administer Federal funds for the benefit of the Municipality/Sponsor for the Federal share and will fund the applicable percentage designated in Schedule A of Federal aid participating costs incurred in connection with the work covered by this Agreement, subject to the limitations set forth on Schedule A. For work performed by or through the Municipality/Sponsor, NYSDOT will reimburse Federal aid-eligible expenditures in accordance with NYSDOT policy and procedures.

4.1.1 *Participating Items.* NYSDOT shall apply Federal funds only for that work and those items that are eligible for Federal participation under Title 23 of U.S. Code, as amended, that requires Federal aid eligible projects to be located on the Federal Aid Highway System ("FAHS"), except for bridge and safety projects which can be located off the FAHS. Included among the Federal participating items are the actual cost of employee personal services, and leave and fringe benefit additives. Other participating costs include materials and supplies, equipment use charges or other Federal Participating costs directly identifiable with the eligible project.

4.2 *Marchiselli Aid (if applicable).* NYSDOT will request State Comptroller reimbursement to the Municipality of the upset amount and designated percentage in Schedule A of the non-overmatched non-Federal share of Federal participating cost, (the "State share"), incurred in connection with the work covered by this Agreement, subject to the limitations set forth on Schedule A. Not all Federal aid-eligible participating costs are eligible for Marchiselli aid. Only "Eligible Project Costs" (as defined in Marchiselli Program instructions issued by NYSDOT) incurred after April 1, 1991 are reimbursable.

4.2.1 *Marchiselli Eligible Project Costs.* To be eligible for Marchiselli Aid, Project costs must: (a) be eligible for Federal participation as described under 4.1 above; (b) be for work which, when completed, has a certifiable service life of at least 10 years; (c) be for work that relates directly and exclusively to a municipally-owned highway, bridge or highway-railroad crossing located off the State Highway System; and (d) be submitted for reimbursement in accordance with 4.2.2.

MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

4.2.2 *Marchiselli Reimbursement Requests.* A Sponsor's reimbursement requests are restricted to eligible project costs. To be classified as an "eligible project cost", in addition to other requirements of this agreement, the original expenditure must have been paid within the past 15 months in order to comply with Federal Tax Law (26 CFR 1.150-2 (d)(2)(i)) which governs fund disbursements from the issuance of tax-exempt bonds. Hence, expenditures paid greater than 15 months prior to the reimbursement request are ineligible for reimbursement.

4.2.3 *Marchiselli Extended Records Retention Requirements.*

4.2.3.1 To ensure that NYSDOT meets certain requirements under the Code of Federal Regulations, Part 26, and to ensure that NYSDOT may authorize the use of funds for this project, notwithstanding any other provision of this Contract to the contrary, the Sponsor must retain the following documents in connection with the Projects:

- a) Documents evidencing the specific assets financed with such proceeds, including but not limited to project costs, and documents evidencing the use and ownership of the property financed with proceeds of the bonds; and
- b) Documents, if any, evidencing the sale or other disposition of the financed property.

4.2.3.2 The Sponsor covenants to retain those records described above, which are used by the Sponsor in connection with the administration of this Program, for thirty-six (36) years after the date of NYSDOT's final payment of the eligible project cost(s).

4.2.3.3 Failure to maintain such records in a manner that ensures complete access thereto, for the period described above, shall constitute a material breach of the contract and may, at the discretion of NYSDOT, result in loss of funds allocated, or the Sponsor's repayment of funds distributed, to the Sponsor under this agreement.

4.3 In no event shall the State be obligated to fund or reimburse any costs exceeding:

- (a) the amount stated in Schedule A for the Federal Share; or
- (b) the amount stated in Schedule A as the State (Marchiselli) share.

4.4 All items included by the Municipality/Sponsor in the record of costs shall be in conformity with accounting procedures acceptable to NYSDOT and the FHWA. Such items shall be subject to audit by the State, the federal government or their representatives.

4.5 If Project-related work is performed by NYSDOT, NYSDOT will be paid for the full costs thereof. To effect such payment, the reimbursement to the Municipality/Sponsor provided for in sections 4.1 and 4.2 above may be reduced by NYSDOT by the amounts thereof in excess of the Municipality/Sponsor Deposit available for such payment to NYSDOT.

5. *Supplemental Agreements and Supplemental Schedule(s)* A. Supplemental Agreements or

MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

Supplemental Schedule(s) A may be entered into by the parties, and must be executed and approved in the manner required for a State contract. A Supplemental Schedule A is defined as a Supplemental Agreement which revises only the Schedule A of a prior Agreement or Supplemental Agreement. In the event Project cost estimates increase over the amounts provided for in Schedule A, no additional reimbursement shall be due to the Municipality/Sponsor unless the parties enter into a Supplemental Agreement or Supplemental Schedule A for reimbursement of additional Eligible Project Costs.

6. *State Recovery of Ineligible Reimbursements.* NYSDOT shall be entitled to recover from the Municipality/Sponsor any monies paid to the Municipality/Sponsor pursuant to this Agreement which are subsequently determined to be ineligible for Federal aid or Marchiselli Aid hereunder.

7. *Loss of Federal Participation.* In the event the Municipality/Sponsor withdraws its approval of the project, suspends or delays work on the Project or takes other action that results in the loss of Federal participation for the costs incurred pursuant to this Agreement, the Municipality/Sponsor shall refund to the State all reimbursements received from the State, and shall reimburse the State for 100% of all preliminary engineering and right-of-way incidental costs incurred by NYSDOT. The State may offset any other State or Federal aid due to the Municipality/Sponsor by such amount and apply such offset to satisfy such refund.

8. *Municipal/Sponsor Liability.*

8.1 If the Municipality/Sponsor performs work under this Agreement with its own forces, it shall be responsible for all damage to person or property arising from any act or negligence performed by or on behalf of the Municipality/Sponsor, its officers, agents, servants or employees, contractors, subcontractors or others in connection therewith. The Municipality/Sponsor specifically agrees that its agents or employees shall possess the experience, knowledge and character necessary to qualify them individually for the particular duties they perform.

8.2 The Municipality/Sponsor shall indemnify and save harmless the State for all damages and costs arising out of any claims, suits, actions, or proceedings resulting from the negligent performance of work by or on behalf of the Municipality/Sponsor its officers, agents, servants, employees, contractors, subcontractors or others under this Agreement. Negligent performance of service, within the meaning of this section, shall include, in addition to negligence founded upon tort, negligence based upon the Municipality/Sponsor's failure to meet professional standards and resulting in obvious or patent errors in the progression of its work. Additionally, the Municipality/Sponsor shall defend the State in any action arising out of any claims, suits, actions, or proceedings resulting from the negligent performance of work by or on behalf of the Municipality/Sponsor, its officers, agents, servants, employees, contractors, subcontractors or others under this Agreement.

8.3 The Municipality/Sponsor shall at all times during the Contract term remain responsible. The Municipality/Sponsor agrees, if requested by the Commissioner of Transportation or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

8.4 The Commissioner of Transportation or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Municipality/Sponsor.

MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

In the event of such suspension, the Municipality/Sponsor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Municipality/Sponsor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of Transportation or his or her designee issues a written notice authorizing a resumption of performance under the Contract.

8.5 Upon written notice to the Municipality/Sponsor, and a reasonable opportunity to be heard with appropriate Department of Transportation officials or staff, the Contract may be terminated by the Commissioner of Transportation or his or her designee at the Municipality's/Sponsor's expense where the Municipality/Sponsor is determined by the Commissioner of Transportation or his or her designee to be non-responsible. In such event, the Commissioner of Transportation or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue available legal or equitable remedies for breach.

9. *Maintenance.* The Municipality/Sponsor shall be responsible for the maintenance of the project at the sole cost and expense of the Municipality/Sponsor. If the Municipality/Sponsor intends to have the project maintained by another, any necessary maintenance agreement will be executed and submitted to NYSDOT before construction of the Project is begun. Upon its completion, the Municipality/Sponsor will operate and maintain the Project at no expense to NYSDOT; and during the useful life of the Project, the Municipality/Sponsor shall not discontinue operation and maintenance of the Project, nor dispose of the Project, unless it receives prior written approval to do so from NYSDOT.

9.1 The Municipality/Sponsor may request such approved disposition from NYSDOT where the Municipality/Sponsor either causes the purchaser or transferee to assume the Municipality/Sponsor's continuing obligations under this Agreement, or agrees immediately to reimburse NYSDOT for the pro-rata share of the funds received for the project, plus any direct costs incurred by NYSDOT, over the remaining useful life of the Project.

9.2 If a Municipality/Sponsor fails to obtain prior written approval from NYSDOT before discontinuing operation and maintenance of the Project or before disposing of the project, in addition to the costs provided, above in 9.1, Municipality/Sponsor shall be liable for liquidated damages for indirect costs incurred by NYSDOT in the amount of 5% of the total Federal and non-Federal funding provided through NYSDOT.

9.3 For NYSDOT-administered projects, NYSDOT is responsible for maintenance only during the NYSDOT administered construction phase. Upon completion of the construction phase, the Municipality/Sponsor's maintenance obligations start or resume.

10. *Independent Contractor.* The officers and employees of the Municipality/Sponsor, in accordance with the status of the Municipality/Sponsor as an independent contractor, covenant and agree that they will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, an officer or employee of the State by reason hereof, and that they will not by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the State, including, but not limited to, Workers Compensation coverage, Unemployment Insurance benefits, Social Security or Retirement membership or credit.

11. *Contract Executory; Required Federal Authorization.* It is understood by and between the parties hereto that this Agreement shall be deemed executory only to the extent of the monies available to the

MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

State and no liability on account thereof shall be incurred by the State beyond monies available for the purposes hereof. No phase of work for the project shall be commenced unless and until NYSDOT receives authorization from the Federal government.

12. *Assignment or Other Disposition of Agreement.* The Municipality/Sponsor agrees not to assign, transfer, convey, sublet or otherwise dispose of this Agreement or any part thereof, or of its right, title or interest therein, or its power to execute such Agreement to any person, company or corporation without previous consent in writing of the Commissioner.

13. *Term of Agreement.* As to the Project and phase(s) described in the Schedule A executed herewith, the term of this Agreement shall begin on the date of this Agreement as first above written. This Agreement shall remain in effect so long as Federal aid and Marchiselli-aid funding authorizations are in effect and funds are made available pursuant to the laws controlling such authorizations and availabilities. However, if such authorizations or availabilities lapse and are not renewed, continued or reenacted, as to funds encumbered or available and to the extent of such encumbrances or availabilities, this Agreement shall remain in effect for the duration of such encumbrances or availabilities. Although the liquidity of encumbrances or the availability of funds may be affected by budgetary hiatuses, a Federal or State budgetary hiatus will not by itself be construed to cause a lapse in this Agreement provided any necessary Federal or State appropriations or other funding authorizations therefore are eventually enacted.

13.1 *Time is of the essence (Bridge NY Projects).* The Municipality/Sponsor understands and agrees that construction of Bridge NY Projects shall commence no later than twenty-four (24) months after award, and the project must be completed within thirty (30) months of commencing construction.

14. *NYSDOT Obligations.* NYSDOT's responsibilities and obligations are as specifically set forth in this contract, and neither NYSDOT nor any of its officers or employees shall be responsible or liable, nor shall the Municipality/Sponsor assert, make or join in any claim or demand against NYSDOT, its officers or employees, for any damages or other relief based on any alleged failure of NYSDOT, its officers or employees, to undertake or perform any act, or for undertaking or performing any act, which is not specifically required or prohibited by this Agreement.

15. *Offset Rights.* In addition to any and all set-off rights provided to the State in the attached and incorporated Appendix A, Standard Clauses for New York Contracts, NYSDOT shall be entitled to recover and offset from the Municipality/Sponsor any ineligible reimbursements and any direct or indirect costs to the State as to paragraph 6 above, as well as any direct or indirect costs incurred by the State for any breach of the term of this agreement, including, but not limited to, the useful life requirements in paragraph 9 above. At its sole discretion NYSDOT shall have the option to permanently withhold and offset such direct and indirect cost against any monies due to the Municipality/Sponsor from the State of New York for any other reason, from any other source, including but not limited to, any other Federal or State Local Project Funding, and/or any Consolidated Highway and Local Street Improvement Program (CHIPS) funds

16. *Reporting Requirements.* The Municipality/Sponsor agrees to comply with and submit to NYSDOT in a timely manner all applicable reports required under the provisions of this Agreement and the Procedures for Locally Administered Federal aid Projects manual and in accordance with current Federal and State laws, rules, and regulations.

17. *Notice Requirements.*

MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

- 17.1 All notices permitted or required hereunder shall be in writing and shall be transmitted:
- (a) Via certified or registered United States mail, return receipt requested;
 - (b) By facsimile transmission;
 - (c) By personal delivery;
 - (d) By expedited delivery service; or
 - (e) By e-mail.

Such notices shall be address as follows or to such different addresses as the parties may from time-to-time designate:

New York State Department of Transportation (NYSDOT)

Name: Orietta Trocard, P.E.

Title: Regional Local Projects Liaison

Address: 4 Burnett Boulevard, Poughkeepsie, NY 12603

Telephone Number: 845-431-5811

Facsimile Number: 845-431-5988

E-Mail Address: orietta.trocard@dot.ny.gov / marshall.gioia@dot.ny.gov

[Municipality/Sponsor] City of Poughkeepsie

Name: Rob Rolison / Paul Hesse

Title: Mayor / Community Development Coordinator

Address: 62 Civic Center Plaza, Poughkeepsie, NY 12601

Telephone Number: 845-451-4073 / 845-451-4106

Facsimile Number: 845-451-4201

E-Mail Address: rrolison@cityofpoughkeepsie.com / phesse@cityofpoughkeepsie.com

- 17.2 Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States Mail, as of the date of first attempted delivery at the address and in the manner provided herein, or in the case of facsimile transmission or email, upon receipt. The parties may, from time to time, specify any new or different address in the United States as their address for purpose of receiving notice under this Agreement by giving fifteen (15) days written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective representatives for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for purposes of implementation and administration/billing, resolving issues and problems and/or for dispute resolution.

18. *Electronic Contract Payments.* Municipality/Sponsor shall provide complete and accurate supporting documentation of eligible local expenditures as required by this Agreement, NYSDOT and the State Comptroller. Following NYSDOT approval of such supporting documentation, payment for invoices submitted by the Municipality/Sponsor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The contracting local Municipality/Sponsor shall comply with the State Comptroller's procedures for all Federal and applicable State Aid to authorize electronic payments. Authorization forms are available on the State Comptroller's website at

MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

www.osc.state.ny.us/epay/index.htm or by email at epunit@osc.state.ny.us. When applicable to State Marchiselli and other State reimbursement by the State Comptroller, registration forms and instructions can be found at the NYSDOT Electronic Payment Guidelines website.

The Municipality/Sponsor herein acknowledges that it will not receive payment on any invoices submitted under this agreement if it does not comply with the applicable State Comptroller and/or NYS State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

19. *Compliance with Legal Requirements.* Municipality/Sponsor must comply with all applicable federal, state and local laws, rules and regulations, including but not limited to the following:

19.1 Title 49 of the Code of Federal Regulations Part 26 (49 CFR 26), Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs; Title 23 Code of Federal Regulations Part 230 (23 CFR 230), External Programs; and, Title 41 of the Code of Federal Regulations Part 60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor, including the requirements thereunder related to utilization goals for contracting opportunities for disadvantaged business enterprises (DBEs) and equal employment opportunity.

19.1.1 If the Municipality/Sponsor fails to monitor and administer contracts funded in whole or in part in accordance with Federal requirements, the Municipality/Sponsor will not be reimbursed for ineligible activities within the affected contracts. The Municipality/Sponsor must ensure that the prime contractor has a Disadvantaged Business Enterprise (DBE) Utilization Plan and complies with such plan. If, without prior written approval by NYSDOT, the Municipality/Sponsor's contractors and subcontractors fail to complete work for the project as proposed in the DBE Schedule of Utilization, NYSDOT at its discretion may (1) cancel, terminate or suspend this agreement or such portion of this agreement or (2) assess liquidated damages in an amount of up to 20% of the pro rata share of the Municipality/Sponsor's contracts and subcontracts funded in whole or in part by this agreement for which contract goals have been established.

19.2 New York State Environmental Law, Article 6, the State Smart Growth Public Infrastructure Policy Act, including providing true, timely and accurate information relating to the project to ensure compliance with the Act.

19.3 28 CFR 35.105, which requires a Municipality/Sponsor employing 50 or more persons to prepare a Transition Plan addressing compliance with the Americans with Disabilities Act (ADA).

20. *Compliance with Procedural Requirements.* The Municipality/Sponsor understands that funding is contingent upon the Municipality/Sponsor's compliance with the applicable requirements of the Procedures for Locally Administered Federal Aid Projects (PLAFAP) manual, which, as such, may be amended from time to time. Locally administered Federal aid transportation projects must be constructed in accordance with the current version of NYSDOT Standard Specifications; Construction and Materials, including any and all modifications to the Standard Specifications issued by the Engineering Information Issuance System, and NYSDOT-approved Special Specifications for general use. (Cities with a population of 3 million or more may pursue approval of their own construction specifications and procedures on a project by project basis).

MUNICIPALITY/SPONSOR: City of Poughkeepsie

PROJECT ID NUMBER: 8756.63 BIN: 2262750

CFDA NUMBER: 20.205

PHASE: PER SCHEDULES A

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

MUNICIPALITY/SPONSOR:

MUNICIPALITY/SPONSOR ATTORNEY:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF NEW YORK)
)ss.:
COUNTY OF **DUTCHESS**)

On this _____ day of _____, 20____ before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that he/she signed his name thereto by like order.

Notary Public

APPROVED FOR NYSDOT:

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: _____
For Commissioner of Transportation

By: _____
Assistant Attorney General

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

COMPTROLLER'S APPROVAL:

Date: _____

By: _____
For the New York State Comptroller
Pursuant to State Finance Law §112

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 8756.63

OSC Municipal Contract #: _____	Contract Start Date: <u> / / </u> (mm/dd/yyyy)	Contract End Date: <u>8/30/2028</u> (mm/dd/yyyy) ☐ Check, if date changed from the last Schedule A			
Purpose: ☒ Original Standard Agreement ☐ Supplemental Schedule A No.					
Agreement Type: ☒ Locally Administered Municipality/Sponsor (Contract Payee): City of Poughkeepsie Other Municipality/Sponsor (if applicable): _____ ☐ State Administered List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies. ☐ Municipality: ☐ Municipality: ☐ Municipality: % of Cost share % of Cost share % of Cost share					
Authorized Project Phase(s) to which this Schedule applies: ☒ PE/Design ☒ ROW Incidentals ☐ ROW Acquisition ☐ Construction/CI/CS					
Work Type: BR REPLACE	County (if different from Municipality): Dutchess County				
Marchiselli Eligible ☒ Yes ☐ No (Check, if Project Description has changed from last Schedule A): ☐ Project Description: Mansion Street/Falkill Creek Bridge Replacement (BIN 2262750), City of Poughkeepsie, Dutchess County					
Marchiselli Allocations Approved FOR ALL PHASES All totals will calculate automatically.					
Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
☐	Cumulative total for all prior SFYs	\$0.00	\$0.00	\$0.00	\$ 0.00
☐	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
Authorized Allocations to Date		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ (0.00)	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ (0.00)	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ (0.00)	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ (0.00)	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ (0.00)	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8756.63.121	Current	STP	\$542,000.00	\$433,600.00	\$0.00	\$108,400.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
8756.63.221	Current	STP	\$60,000.00	\$48,000.00	\$0.00	\$12,000.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$602,000.00	\$481,600.00	\$ 0.00	\$120,400.00

C. Local Deposit(s) from Section A:	\$ 0.00
Additional Local Deposit(s)	\$
Total Local Deposit(s)	\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$481,600.00	\$ 0.00	\$ 0.00	\$120,400.00	\$602,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)

Name: Marshall Gioia
Phone No: 845-431-5804

- Project description continued: The proposed project will reconstruct/rehabilitate the existing concrete arch bridge carrying Mansion Street and Pershing Avenue over the Fallkill Creek in the City of Poughkeepsie, Dutchess County. The project will address deterioration of the foundation elements due to creek scour, and deterioration of the arch, wingwalls, and railings.
- At this time the non-federal share of Project costs identified for federal aid funding in this agreement is to be provided entirely by the Municipality. No subsidy or reimbursement of any portion of that local match is provided by New York State's Marchiselli Program or this contract at this time. Furthermore, this Agreement does not assure that any Marchiselli aid for the Project or phase hereunder will be authorized or available in the future. If the Project (and the phase of work) is eligible for State aid under the Marchiselli Program, and such aid is duly requested by the Municipality, NYSDOT may (subject to budgetary requirements) submit an appropriate request for Marchiselli funding authorization by the Legislature. If Legislative authorization for such funding is received, NYSDOT and the Municipality may enter a supplemental agreement providing such Marchiselli aid. Only then would Marchiselli aid be available to the affected Project and phase.
- This Schedule A includes the preliminary engineering and right-of-way incidentals phases and funds.

SCHEDULE B: Phases, Sub-phase/Tasks, and Allocation of Responsibility

Instructions: Identify the responsibility for each applicable Sub-phase task by entering X in either the *NYSDOT* column to allocate the task to State labor forces or a State Contract, or in the *Sponsor* column indicating non-State labor forces or a locally administered contract.

A1. Preliminary Engineering ("PE") Phase

<u>Phase/Sub-phase/Task</u>	<u>Responsibility: NYSDOT</u>	<u>Sponsor</u>
1. <u>Scoping</u> : Prepare and distribute all required project reports, including an Expanded Project Proposal (EPP) or Scoping Summary Memorandum (SSM), as appropriate.	☐	☒
2. Perform data collection and analysis for design, including traffic counts and forecasts, accident data, Smart Growth checklist, land use and development analysis and forecasts.	☐	☒
3. Smart Growth Attestation (NYSDOT ONLY).	☒	☐
4. <u>Preliminary Design</u> : Prepare and distribute Design Report/Design Approval Document (DAD), including environmental analysis/assessments, and other reports required to demonstrate the completion of specific design sub-phases or tasks and/or to secure the approval/authorization to proceed.	☐	☒
5. Review and Circulate all project reports, plans, and other project data to obtain the necessary review, approval, and/or other input and actions required of other NYSDOT units and external agencies.	☐	☒
6. Obtain aerial photography and photogrammetric mapping.	☐	☒
7. Perform all surveys for mapping and design.	☐	☒
8. <u>Detailed Design</u> : Perform all project design, including preparation of plan sheets, cross-sections, profiles, detail sheets, specialty items, shop drawings, and other items required in accordance with the Highway Design Manual, including all Highway Design, including pavement evaluations, including taking and analyzing cores; design of Pavement mixes and applications procedures; preparation of bridge site data package, if necessary, and all Structural Design, including hydraulic analyses, if necessary, foundation design, and all design of highway appurtenances and systems [e.g., Signals, Intelligent Transportation System (ITS) facilities], and maintenance protection of traffic plans. Federal Railroad Administration (FRA) criteria will apply to rail work.	☐	☒
9. Perform landscape design (including erosion control).	☐	☒
10. Design environmental mitigation, where appropriate, in connection with: Noise readings, projections, air quality monitoring, emissions projections, hazardous waste, asbestos, determination of need of cultural resources survey.	☐	☒

Phase/Sub-phase/TaskResponsibility: **NYSDOT Sponsor**

- | | | |
|---|--------------------------|-------------------------------------|
| 6. Determination of exemption from public hearing that is otherwise required by the Eminent Domain Procedure Law, including <i>de minimis</i> determination, as may be applicable. If NYSDOT is responsible for acquiring the right-of-way, this determination may be performed by NYSDOT only if NYSDOT is responsible for the Preliminary Engineering Phase under Phase A1 of this Schedule B. | ☐ | ☒ |
| 7. Conduct any public hearings and/or informational meetings as may be required by the Eminent Domain Procedures Law, including the provision of stenographic services, preparation and distribution of transcripts, and response to issues raised at such meetings. | ☐ | ☒ |

B. Right-of-Way (ROW) Acquisition**Phase/Sub-phase/Task**Responsibility: **NYSDOT Sponsor**

- | | | |
|---|--------------------------|-------------------------------------|
| 1. Perform all Right-of-Way (ROW) Acquisition work, including negotiations with property owners, acquisition of properties and accompanying legal work, payments to and/or deposits on behalf of property owners; Prepare, publish, and pay for any required legal notices; and all other actions necessary to secure title to, possession of, and entry to required properties. If NYSDOT is to acquire property, including property described as an uneconomic remainder, on behalf of the Municipality/Sponsor, the Municipality/Sponsor agrees to accept and take title to any and all permanent property rights so acquired which form a part of the completed Project. | ☐ | ☒ |
| 2. Provide required relocation assistance, including payment of moving expenses, replacement supplements, mortgage interest differentials, closing costs, mortgage prepayment fees. | ☐ | ☒ |
| 3. Conduct eminent domain proceedings, court and any other legal actions required to acquire properties. | ☐ | ☒ |
| 4. Monitor all ROW Acquisition work and activities, including review and processing of payments of property owners. | ☐ | ☒ |
| 5. Provide official certification that all right-of-way required for the construction has been acquired in compliance with applicable Federal, State or Local requirements and is available for use and/or making projections of when such property(ies) will be available if such properties are not in hand at the time of contract award. | ☐ | ☒ |
| 6. Conduct any property management activities, including establishment and collecting rents, building maintenance and repairs, and any other activities necessary to sustain properties and/or tenants until the sites are vacated, demolished, or otherwise used for the construction project. | ☐ | ☒ |
| 7. Subsequent to completion of the Project, conduct ongoing property management activities in a manner consistent with applicable Federal, State and Local requirements including, as applicable, the development of any ancillary uses, establishment and collection of rent, property maintenance and any other related activities. | ☐ | ☒ |

Phase/Sub-phase/Task

Responsibility: NYSDOT Sponsor

- | | | |
|--|-------------------------------------|-------------------------------------|
| 12. Perform final inspection of the complete work to determine and verify final quantities, prices, and compliance with plans specifications, and such other construction engineering supervision and inspection work necessary to conform to Municipal, State and FHWA requirements, including the final acceptance of the project by NYSDOT. | ☒ | ☒ |
| 13. Pursuant to Federal Regulation 49 CFR 18.42(e)(1) The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. | ☒ | ☒ |

APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

**PLEASE RETAIN THIS DOCUMENT
FOR FUTURE REFERENCE.**

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$25,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law § 163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this

contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment, nor subject any individual to harassment, because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified, or assisted in any proceeding under the Human Rights Law. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.

In accordance with Section 312 of the Executive Law and 5 NYCRR Part 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a," "b," and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and

improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this clause. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW.

If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4)(g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by State Finance Law §§ 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law §§ 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law § 5-a, if the contractor fails to make the certification required by Tax Law § 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law § 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law § 165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at: <https://ogs.ny.gov/list-entities-determined-be-non-responsive-biddersofferers-pursuant-nys-iran-divestment-act-2012>

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law § 165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

27. ADMISSIBILITY OF REPRODUCTION OF CONTRACT.

Notwithstanding the best evidence rule or any other legal principle or rule of evidence to the contrary, the Contractor acknowledges and agrees that it waives any and all objections to the admissibility into evidence at any court proceeding or to the use at any examination before trial of an electronic reproduction of this contract, in the form approved by the State Comptroller, if such approval was required, regardless of whether the original of said contract is in existence.

APPENDIX A-1: SUPPLEMENTAL TITLE VI PROVISIONS (CIVIL RIGHTS ACT)

To be included in all contracts

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation of the United States, Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by NYSDOT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to NYSDOT's Office of Civil Rights or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, NYSDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as NYSDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request NYSDOT to enter into such litigation to protect the interests of NYSDOT, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B
REQUIREMENTS FOR FEDERALLY-AIDED TRANSPORTATION PROJECTS
(June 2016)

There is a substantial body of requirements attached to the use of Federal highway or transportation aid. These requirements create or overlay processes, procedures, documentation requirements, authorizations, approvals and certifications that may be substantially greater or different from those that are not funded with Federal-aid and proceed under applicable State and local laws, customs and practices. Under Title 23 of the United States Code, the New York State Department of Transportation (NYSDOT) is responsible for the administration of transportation projects in New York State to which NYSDOT provides Federal highway or transportation-related aid. Through this Agreement, which provides or is associated with such funding, NYSDOT delegates various elements of project and funding administration as described elsewhere in this Agreement. In undertaking a Federally aided project, the Municipality/Sponsor, Authority or Project Manager designated under this Agreement with Federal-aid funding or project administration agrees to proceed in compliance with all the applicable Federal-aid requirements.

NYSDOT, in cooperation with FHWA, has assembled the body of Federal-aid requirements, procedures and practices in its Procedures for Locally Administered Federal-Aid Projects Manual (available through NYSDOT's web site at: <http://www.dot.ny.gov/plafap>). In addition, the Municipality/Sponsor, Authority or Project Manager designated under this Agreement for Federal-aid funding or project administration that enters into Federally aided project construction contracts is required to physically incorporate into all its Federally aided construction contracts and subcontracts there under the provisions that are contained in Form FHWA-1273 (available from NYSDOT or electronically at: <http://www.fhwa.dot.gov/programadmin/contracts/1273.htm>).

In addition to the referenced requirements, the attention of Municipality/Sponsor hereunder is directed to the following requirements and information:

NON DISCRIMINATION/EEO/DBE REQUIREMENTS

The Municipality/Sponsor and its contractors agree to comply with Executive Order 11246, entitled "Equal Employment Opportunity" and United States Department of Transportation (USDOT) regulations (49 CFR Parts 21, 23, 25, 26 and 27) and the following:

1. **NON DISCRIMINATION.** No person shall, on the ground of race, color, creed, national origin, sex, age or handicap, be excluded from participation in, or denied the benefits of, or be subject to, discrimination under the Project funded through this Agreement.
2. **EQUAL EMPLOYMENT OPPORTUNITY.** In connection with the execution of this Agreement, the Municipality/Sponsors contractors or subcontractors shall not discriminate against any employee or applicant for employment because of race, religion, age, color, sex or national origin. Such contractors shall take affirmative actions to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, national origin or age. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

THE CATALOG OF FEDERAL DOMESTIC ASSISTANCE

The Catalog of Federal Domestic Assistance (CFDA²), is an on-line database of all Federally-aided programs available to State and local governments (including the District of Columbia); Federally recognized Indian tribal governments; Territories (and possessions) of the United States; domestic public, quasi-public, and private profit and nonprofit organizations and institutions; specialized groups; and individuals.

THE CFDA IDENTIFICATION NUMBER

OMB Circular A-133 requires all Federal-aid recipients to identify and account for awards and expenditures by CFDA Number. The Municipality/Sponsor is required to identify in its accounts all Federal awards received and expended, and the Federal programs under which they were received. Federal program and award identification shall include, as applicable, the CFDA title and number, award number and year, name of the Federal agency, and name of the pass-through entity.

The most commonly used CFDA number for the Federal Aid Highway Planning and Construction program is 20.205.

Additional CFDA numbers for other transportation and non-transportation related programs are:

20.215	Highway Training and Education
20.219	Recreational Trails Program
20.XXX	Highway Planning and Construction - Highways for LIFE;
20.XXX	Surface Transportation Research and Development;
20.500	Federal Transit-Capital Investment Grants
20.505	Federal Transit-Metropolitan Planning Grants
20.507	Federal Transit-Formula Grants
20.509	Formula Grants for Other Than Urbanized Areas
20.600	State and Community Highway Safety
23.003	Appalachian Development Highway System
23.008	Appalachian Local Access Roads

PROMPT PAYMENT MECHANISMS

In accordance with 49 CFR 26.29, and NY State Finance Law 139-f or NY General Municipal Law 106-b(2) as applicable:

(a) You must establish, as part of your DBE program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 7 calendar days from receipt of each payment you make to the prime contractor.

(b) You must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 7 calendar days after the subcontractor's work is satisfactorily completed. You must use one of the following methods to comply with this requirement:

(1) You may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.

(2) You may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by

² <http://www.cfda.gov/>



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, March 2, 2020 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL-All Present (Councilmember L. Johnson arrived after roll call)

II. REVIEW OF MINUTES:

Councilmember Cherry made a motion to amend the minutes to add Laurie Sandow's comments.

CCM Minutes 2-18-2020						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.

NONE

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.

Constantine Kazolias-47 Noxon Street
Warren Jones-
Satara Brown
Darrett Roberts-Franklin Street
Laurie Sandow-South Grand Avenue

Official Minutes of the Common Council Meeting of March 2, 2020

Laurie Sandow comments, Common Council meeting, March 2, 2020 — Pg. 1 of 2

I'll start tonight by reciting a few adages. One being, that:

"What's good for the goose is good for the gander"—as well as the ganderx.

The other being that: "What goes around comes around."

On February 27, a news article reported that Council Chair Sarah Salem ran a red light, struck another vehicle and was arrested on a charge of driving while intoxicated (DWI). A reliable source close to the accident reports that Salem begged the other driver NOT to report it.

We understand that better today, as documentation emerges concerning Salem's previous 2017 DWI arrest, reportedly pled down to driving while ability impaired (DWAI).

One sentence of the Common Council's current rules—rules written under the influence of some of Poughkeepsie's pickled—reads that for members of the public deemed to be violating rules: "...the Sergeant at Arms shall take steps to remove such person from the meeting room. Said person shall be subject to all civil and criminal penalties that may apply to their conduct."

It seems that Councilmember Salem's arrest provides a good and appropriate opportunity to put the City Police Department's body-worn camera policy into effect, and to release footage, if any, from the arrest. Also, to release other information, as appropriate. Salem, on their own website, boasts about "Lobbying for increased transparency and communications between police and community members." So, when the chickens come home to roost, will this councilmember provide transparency, or enjoy the privilege of escaping scrutiny under the very policies by which they make hay?

In addition, I wonder, having at least twice violated the rules of the road, will Salem face a penalty equivalent to the Council's own rules and be removed from their seat? Will they resign on their own? Will the Chair "be subject to all civil and criminal penalties that may apply to their conduct"—the penalties this Council has so quickly imposed on members of the public, guilty not of DWI, but of constitutionally-protected free speech? Drunk driving by a 36-year-old is not "a mistake", it is a willful act of violence against self and others.

Official Minutes of the Common Council Meeting of March 2, 2020

Laurie Sandow comments, Common Council meeting, March 2, 2020 — Pg. 2 of 2

And lastly, a few words to the members of the cult of Salem, who felt it more important to leave online comments about gender pronouns, than about reckless and life-threatening behavior. May I suggest that if you value your friend and your friendships, that an intervention would be a greater service than a call to the gender or grammar police. But since y'all employed the latter, I'll ask:

- 1) Where were you when Salem themselves weaponized gender by addressing me as Mr.; falsely blowing it off as a typo?
- 2) Where were you when Salem—joined by Evan Menist (2nd Ward councilmember) and others—mounted a false, online narrative about hate speech for use of the very pronouns that Salem themselves uses on their own website?
- 3) Where were you when Salem altered their own website to “prove” and advance their false narrative?
- 4) Salem’s website, to this very day, uses at least one feminine pronoun, while nowhere identifying Salem—whether proudly or sheepishly—as non-binary or gender fluid.
- 5) And most importantly concerning the present and future of this City, where are you today when Salem and fellow councilmembers thwart transparency; refuse to hold themselves responsible and accountable for their own choices and actions; when they target others in order to distract from themselves; continue to spin false narratives, issue false denials, continue to remain non-responsive to Freedom of Information requests, and continue to violate their oaths of office and the law by blocking and manipulating their social media?

I cringe at the thought that some promote, admire and defend the style of so-called leadership and behavior demonstrated by Salem. I do not join you in that.

Amelia Miller-South White Street
Ken Stickle-Catherine Street
Ken Stier-Verrazzano Blvd

V. MAYOR’S COMMENTS:

Mayor Rolison: Thank you, Chair. Just wanted to let everyone know that as we are getting ready to conduct the Census in a brief amount of time here, and we've been working very hard. And if there is an organization that is city centric that will be holding a Poughkeepsie census forum, 6:00 p.m. Tuesday, March 10th at the Black Heritage Club, which is located at 218 Winnikee avenue.

Official Minutes of the Common Council Meeting of March 2, 2020

There'll be a representative from the U.S. Census, the Dutchess County County Committee, along with our Councilperson, 5th Ward Councilperson, Yvonne Flowers.

VI. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

Chair Salem: I have one comment to make, and that is we have officially made appointments to our finance committee and I want to congratulate all the members. Councilmember Petsas as the chairperson, councilmember Cherry, Councilmember Randall Johnson, Councilmember Menist, and Councilmember Flowers now all make up that body. Congratulations on your appointment.

And that concludes my comments.

VII. REPORTS OF COMMITTEES AND BOARDS:

VIII. MOTIONS AND RESOLUTIONS:

1. A motion was made by Councilmember Brannen and seconded by Councilmember Menist to receive and print.

RESOLUTIONS
R20-22
EXTRACT OF MINUTES
[Street Sweeper]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 2, 2020 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chair Salem, and, upon roll being called, the following members were:

PRESENT:

Council Chair Sarah A. Salem
Councilmember Sarah Brannen
Councilmember Natasha Cherry
Councilmember Yvonne Flowers
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Evan Menist
Councilmember Christopher D. Petsas

ABSENT:

The following persons were ALSO PRESENT:

Official Minutes of the Common Council Meeting of March 2, 2020

Commissioner of Finance Brian Martinez

The following resolution was offered by Chair Salem seconded by Councilmember Brannen, to wit;

BOND RESOLUTION DATED MARCH 2, 2020

A RESOLUTION AUTHORIZING THE PURCHASE OF A STREET SWEEPER AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$276,750 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

SECTION 1. The acquisition of a street sweeper for DPW maintenance purposes is hereby authorized at an estimated maximum cost of \$276,750 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. It is hereby determined that the aforesaid purpose described constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 3. The City plans to finance the total cost of said purpose by the issuance of serial bonds of the City in an amount not to exceed \$276,750, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 6. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Official Minutes of the Common Council Meeting of March 2, 2020

SECTION 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 8. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 10. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, being a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 11. This resolution shall take effect immediately.

Council Chair Sarah A. Salem
Councilmember Sarah Brannen
Councilmember Natasha Cherry

VOTING Aye
VOTING Aye
VOTING Aye

Official Minutes of the Common Council Meeting of March 2, 2020

Councilmember Yvonne Flowers	VOTING Aye
Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Aye
Councilmember Matthew McNamara	VOTING Aye
Councilmember Evan Menist	VOTING Aye
Councilmember Christopher D. Petsas	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 2nd day of March, 2020 and entitled:

BOND RESOLUTION DATED MARCH 2, 2020

A RESOLUTION AUTHORIZING THE PURCHASE OF A STREET SWEEPER AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$276,750 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of March, 2020.

-SEAL-

Deanne Flynn

Official Minutes of the Common Council Meeting of March 2, 2020

City Chamberlain

Executive Summary—Not a part of the Resolution

This New Bond Resolution for **\$276,750 street sweeper** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Cost</u>	<u>Other Funds</u>	<u>Bonds Authorized</u>
Section 1: Street Sweeper	Street Sweeper	15 years	\$276,750	\$0	\$276,750
Grand Total			\$276,750	\$0	\$276,750

R20-22						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Pelsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

2. A motion was made by Councilmember Brannen and seconded by Councilmember Randall Johnson to receive and print.

RESOLUTION
R20-23
EXTRACT OF MINUTES
[Citizen Safety and Data Protection]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 2, 2020 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chair Salem, and, upon roll being called, the following members were:

PRESENT:

Council Chair Sarah A. Salem
Councilmember Sarah Brannen
Councilmember Natasha Cherry

Official Minutes of the Common Council Meeting of March 2, 2020

Councilmember Yvonne Flowers
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Evan Menist
Councilmember Christopher D. Petsas

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez

The following resolution was offered by Chair Salem, seconded by Councilmember Brannen, to wit;

BOND RESOLUTION DATED MARCH 2, 2020

A RESOLUTION AUTHORIZING IMPROVEMENTS FOR CITIZEN SAFETY AND DATA PROTECTION INITIATIVE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$185,200 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

SECTION 1. The acquisition and installation of computer equipment, security cameras and other improvements to City Hall for the purpose of enhancing technology infrastructure protection for citizen and staff security is hereby authorized at an estimated maximum cost of \$115,050 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is five years.

SECTION 2. The reconstruction of portions of the first-floor finance and clerk lobby area at City Hall to enhance security is hereby authorized at an estimated maximum cost of \$70,150 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 90 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 10 years.

SECTION 3. It is hereby determined that the aforesaid purpose described constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

Official Minutes of the Common Council Meeting of March 2, 2020

SECTION 4. The City plans to finance the total cost of said purpose by the issuance of serial bonds of the City in an amount not to exceed \$185,200, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

Official Minutes of the Common Council Meeting of March 2, 2020

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, being a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 12. This resolution shall take effect immediately.

Council Chair Sarah A. Salem	VOTING Aye
Councilmember Sarah Brannen	VOTING Aye
Councilmember Natasha Cherry	VOTING Aye
Councilmember Yvonne Flowers	VOTING Aye
Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Aye
Councilmember Matthew McNamara	VOTING Aye
Councilmember Evan Menist	VOTING Aye
Councilmember Christopher D. Petsas	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 2nd day of March, 2020 and entitled:

BOND RESOLUTION DATED MARCH 2, 2020

A RESOLUTION AUTHORIZING IMPROVEMENTS FOR CITIZEN SAFETY AND DATA PROTECTION INITIATIVE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$185,200 PURSUANT TO THE LOCAL FINANCE

Official Minutes of the Common Council Meeting of March 2, 2020

LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of March, 2020.

-SEAL-

Deanne Flynn
City Chamberlain

Executive Summary—Not a part of the Resolution

This New Bond Resolution for **\$185,200 Citizen Safety and Data Protection** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Cost</u>	<u>Other Funds</u>	<u>Bonds Authorized</u>
Section 1:	Equipment and Improvements for Data Protection and Security	5 years	\$115,050	\$0	\$115,050
Section 2;	Building Improvements for Security	10 years	\$ 70,150	\$0	\$ 70,150
Grand Total			\$185,200	\$0	\$185,200

Official Minutes of the Common Council Meeting of March 2, 2020

R20-23			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

3. A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.

RESOLUTION

R20-24

EXTRACT OF MINUTES

(Sanitation Truck and Ejector Trailer – Supplemental)

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 2, 2020 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chair Salem, and, upon roll being called, the following members were:

PRESENT:

Council Chair Sarah A. Salem
 Councilmember Sarah Brannen
 Councilmember Natasha Cherry
 Councilmember Yvonne Flowers
 Councilmember Lorraine Johnson
 Councilmember Randall A. Johnson II
 Councilmember Matthew McNamara
 Councilmember Evan Menist
 Councilmember Christopher D. Petsas

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez

The following resolution was offered by Chair Salem, seconded by Councilmember Brannen, to wit;

SUPPLEMENTAL BOND RESOLUTION DATED MARCH 2, 2020

Official Minutes of the Common Council Meeting of March 2, 2020

A RESOLUTION AMENDING AND SUPPLEMENTING THE BOND RESOLUTION R19-64, TO FINANCE THE PURCHASE OF A SANITATION TRUCK AND AN EJECTOR TRAILER AT AN ESTIMATED MAXIMUM COST OF \$290,000; AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN INCREASED AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$290,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

WHEREAS, the City of Poughkeepsie, Dutchess County, New York ("City") has previously adopted its Bond Resolution R19-64 dated August 19, 2019 entitled "BOND RESOLUTION DATED AUGUST 19, 2019; A RESOLUTION AUTHORIZING THE PURCHASE OF A SANITATION TRUCK AND AN EJECTOR TRAILER AT AN ESTIMATED AGGREGATE MAXIMUM COST OF \$290,000, THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$250,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE" (the "2019 Bond Resolution"), authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$250,000 for purchase of a sanitation truck and an ejector trailer with an estimated maximum cost not to exceed \$290,000; and

WHEREAS, the City has previous issued a Bond Anticipation Note, Series 2020A in the principal amount of \$250,000 dated January 30, 2020 pursuant to the 2019 Bond Resolution; and

WHEREAS, based on updated estimated costs of the project, it is necessary to increase the amount of obligations to an increased authorized principal amount of \$290,000; and to modify the plan of financing accordingly; and

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. Section 3 of the 2019 Bond Resolution is hereby amended and supplemented to read as follows:

SECTION 3. The City plans to finance the total cost of said purpose by the issuance of serial bonds of the City in an amount not to exceed \$290,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined in accordance with SEQRA not to have a significant impact on the environment.

SECTION 3. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

Official Minutes of the Common Council Meeting of March 2, 2020

- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 4. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, being a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 5. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Council Chair Sarah A. Salem	VOTING Aye
Councilmember Sarah Brannen	VOTING Aye
Councilmember Natasha Cherry	VOTING Aye
Councilmember Yvonne Flowers	VOTING Aye
Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Aye
Councilmember Matthew McNamara	VOTING Aye
Councilmember Evan Menist	VOTING Aye
Councilmember Christopher D. Petsas	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 2nd day of March, 2020 and entitled:

SUPPLEMENTAL BOND RESOLUTION DATED MARCH 2, 2020

A RESOLUTION AMENDING AND SUPPLEMENTING THE BOND RESOLUTION R19-64, TO FINANCE THE PURCHASE OF A SANITATION TRUCK AND AN EJECTOR TRAILER AT AN ESTIMATED MAXIMUM COST OF \$290,000; AUTHORIZING THE ISSUANCE OF SERIAL

Official Minutes of the Common Council Meeting of March 2, 2020

BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN INCREASED AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$290,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ___ day of March, 2020.

-SEAL-

Deanne Flynn
City Chamberlain

Executive Summary--Not a part of the Resolution

This Supplemental Bond Resolution for Increase in Authorized Obligations for **Sanitation Truck and Ejector Trailer** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Cost</u>	<u>Other Funds</u>	<u>Bonds Authorized</u>
Section 3: Original	Acquisition of sanitation truck and ejector trailer	15 years	\$290,000	\$0	\$250,000*
Section 3: Revised Supplemental			(same)	\$0	\$40,000**
Grand Total			\$290,000	\$0	\$290,000

* \$250,000 issued to date under the original bond resolution.

** Additional Bonds authorized in this resolution.

Official Minutes of the Common Council Meeting of March 2, 2020

R20-24			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

4. A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.

RESOLUTION
R20-25
EXTRACT OF MINUTES
[Library District]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 2, 2020 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chair Salem, and, upon roll being called, the following members were:

PRESENT:

Council Chair Sarah A. Salem
 Councilmember Sarah Brannen
 Councilmember Natasha Cherry
 Councilmember Yvonne Flowers
 Councilmember Lorraine Johnson
 Councilmember Randall A. Johnson II
 Councilmember Matthew McNamara
 Councilmember Evan Menist
 Councilmember Christopher D. Petsas

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez

The following resolution was offered by Chair Salem, seconded by Councilmember Brannen, to wit;

REFUNDING BOND RESOLUTION DATED MARCH 2, 2020

A REFUNDING BOND RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE CITY OF POUGHKEEPSIE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,660,000 PURSUANT TO THE LOCAL FINANCE LAW AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

Official Minutes of the Common Council Meeting of March 2, 2020

WHEREAS, the City of Poughkeepsie (the "City") has heretofore issued its Public Improvement (Serial) Bonds, Series 2009A (Greater Poughkeepsie Library District) in the aggregate principal amount of \$6,049,852 (the "2009 Bonds"); and

WHEREAS, the 2009A Bonds were dated as of April 15, 2009, have a final maturity date of December 15, 2030, mature serially on the dates and in the amounts set forth at Exhibit A attached hereto and made a part of this resolution, and are subject to redemption on any date on or after December 15, 2019 at a redemption price of par plus accrued interest to the redemption date; and

WHEREAS, refunding the aggregate outstanding principal amount of the 2009A Bonds is expected to result in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

Section 1. It would be in the public interest to refund the aggregate outstanding principal amount of the 2009A Bonds by the issuance of the City's refunding bonds pursuant to Section 90.10 of the Local Finance Law.

Section 2. For the object or purpose of refunding the \$3,660,000 aggregate outstanding principal amount of the 2009A Bonds due on and after December 15, 2020 (the "Refunded Bonds") including providing moneys which shall be sufficient to pay (i) said outstanding aggregate principal amount of the Refunded Bonds; (ii) the aggregate amount of un-matured interest payable on the Refunded Bonds to and including the date on which each of the Refunded Bonds mature or are subject to redemption, all in accordance with the Refunding Financial Plan, as defined herein, and (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, without limitation, the development of the Refunding Financial Plan, compensation to the underwriter or underwriters, the fees and costs of the financial advisor to the City, the fees and costs of bond counsel to the City, the execution and performance of the terms and conditions of the Escrow Contract, as hereinafter defined, the fees and charges of the Escrow Holder, as hereinafter defined, and the premium or premiums for a policy of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, there are hereby authorized to be issued the refunding bonds of the City in the aggregate principal amount of not to exceed \$3,660,000 (the "Refunding Bonds") pursuant to the provisions of Section 90.10 of the Local Finance Law.

Section 3. It is hereby determined that the maximum amount of the refunding bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law.

Section 4. It is hereby determined that the amount and description of the bonds to be refunded is set forth at Exhibit B.

Section 5.

- a. It is hereby determined that the original period of probable usefulness of the purposes funded by the 2009A Bonds was twenty-five years pursuant to subdivision 12(a)(1) of Section 11(a) of

Official Minutes of the Common Council Meeting of March 2, 2020

the Local Finance Law, that the first bond anticipation notes issued pursuant to the authorizing resolution for such purpose were issued April 24, 2008, and that the expiration of the maximum period of probable usefulness at the time of issuance of the 2009A Bonds for the purposes for which the Refunded Bonds were issued, computed from the earlier of the first bond anticipation note or the date of the 2009A Bonds, was not earlier than December 15, 2030.

- b. The last installment of the Refunding Bonds shall mature not later than the expiration of the remaining period of probable usefulness of the purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with such Refunded Bonds, in accordance with the provisions of the Local Finance Law.

Section 6. It is hereby determined that the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 7 hereof.

Section 7. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, is set forth in preliminary form at Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount set forth at Exhibit B and will mature, be of such terms and bear interest as set forth in the Refunding Financial Plan. This Common Council recognizes that the aggregate principal amount of the Refunding Bonds, and the maturities, terms, and interest rate or rates borne by the Refunding Bonds will most likely be different from such assumptions and that the final Refunding Financial Plan will most likely be different from the preliminary plan set forth at Exhibit B. The Commissioner of Finance is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the designation thereof, the date of such bonds and the date of issue thereof, the maturities and terms thereof, whether such bonds shall be issued with substantially level or declining annual debt service, the provisions relating to any redemption of the Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds will be sold as sinking fund bonds, whether the Refunding Bonds shall be sold in one or more series, whether the Refunding Bonds will be sold to an underwriter or underwriters at private sale and the details of such sale, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57 of the Local Finance Law and subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan, and all powers in connection therewith may be exercised by the Commissioner of Finance; provided that the amount and terms of the Refunding Bonds, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law, as amended. The Commissioner of Finance shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Chamberlain within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 8. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Commissioner of Finance, and its corporate seal or a facsimile thereof shall be impressed thereon and attested by the City Chamberlain. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of

Official Minutes of the Common Council Meeting of March 2, 2020

validity clause provided for in Section 52 of the Local Finance Law, and shall otherwise be in such form and contain such recitals as the Commissioner of Finance shall determine.

Section 9. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 10. The Commissioner of Finance is hereby authorized and directed to enter into an escrow contract on behalf of the City (the "Escrow Contract") with a bank or trust company located and authorized to do business in New York State as he shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, and in connection with the proceeds of the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 11. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding any accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Any accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds on the first interest payment date or dates thereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds actually refunded shall have a lien upon such moneys held by the Escrow Holder, and an amount sufficient to pay the Refunding Bonds and interest thereon, as the same shall become due and payable, is hereby appropriated therefor. Such pledges and liens shall become valid and binding upon the issuance of the Refunding Bonds, and the moneys and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 12. The Refunding Bonds shall be sold at private sale as shall be determined by the Commissioner of Finance for a purchase price or prices to be determined by the Commissioner of Finance, plus accrued interest, if any, from the date of the Refunding Bonds to the date of delivery of and payment for the Refunding Bonds, and the Commissioner of Finance is further authorized to execute and deliver a purchase contract for the Refunding Bonds on behalf of the City providing for the terms and conditions for the sale and delivery of the bonds, subject to the approval of the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the Commissioner of Finance to the underwriter or underwriters in accordance with such purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 13. Subject only to the issuance of the Refunding Bonds as herein authorized, the City hereby elects to redeem all of the Refunded Bonds maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any. The Escrow Agent for the

Official Minutes of the Common Council Meeting of March 2, 2020

Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 14. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the notes authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds and notes authorized by this resolution as "qualified tax-exempt bonds" for purposes of Section 265(b)(3) of the Code.

Section 15. The Commissioner of Finance is further authorized to execute and deliver a continuing disclosure agreement with the initial purchaser of the Refunding Bonds, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended.

Section 16. It is hereby determined that the issuance of the Refunding Bonds constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which are determined under SEQRA not to have a significant impact on the environment.

Section 17. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Commissioner of Finance, and all powers in connection therewith are hereby delegated to the Commissioner of Finance. The Commissioner of Finance and the City Chamberlain and all other officers, employees and agents of the City are further authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution. In the event of the absence or unavailability of the Commissioner of Finance, all such powers are hereby delegated to the Deputy Commissioner of Finance.

Section 18. The validity of said Refunding Bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Official Minutes of the Common Council Meeting of March 2, 2020

Section 19. The City Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

Section 20. This resolution shall take effect immediately upon its adoption.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Council Chair Sarah A. Salem	VOTING Aye
Councilmember Sarah Brannen	VOTING Aye
Councilmember Natasha Cherry	VOTING Aye
Councilmember Yvonne Flowers	VOTING Aye
Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Aye
Councilmember Matthew McNamara	VOTING Aye
Councilmember Evan Menist	VOTING Aye
Councilmember Christopher D. Petsas	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

EXHIBIT A
Summary of Aggregate Outstanding Principal Amounts

[See Attached Principal Maturity Schedules]

1. Series 2009A in the original principal amount of \$6,049,852; outstanding \$3,660,000 maturing serially 2020 to 2030.

EXHIBIT B
Refunding Financial Plan

[See attached refunding plan schedules]

1. Sources and Uses
2. Refunding Summary – FY Debt Service Comparison
3. Refunding Bonds Pricing Summary including Underwriter's Discount
4. Refunding Bonds Debt Service Schedule (Semiannual)
5. Summary of Bonds Refunded
6. Escrow Fund Cash Flow
7. Refunding Present Value Analysis by Maturity

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

- (1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including

Official Minutes of the Common Council Meeting of March 2, 2020

the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 2nd day of March, 2020 and entitled:

REFUNDING BOND RESOLUTION DATED MARCH 2, 2020

A REFUNDING BOND RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE CITY OF POUGHKEEPSIE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,660,000 PURSUANT TO THE LOCAL FINANCE LAW AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 4th day of March, 2020.

-SEAL-

Deanne Flynn
City Chamberlain

EXHIBIT B

Refunding Financial Plan

[See attached refunding plan schedules]

1. Sources and Uses
2. Refunding Summary – FY Debt Service Comparison
3. Refunding Bonds Pricing Summary including Underwriter's Discount
4. Refunding Bonds Debt Service Schedule (Semiannual)
5. Summary of Bonds Refunded
6. Escrow Fund Cash Flow
7. Refunding Present Value Analysis by Maturity

Official Minutes of the Common Council Meeting of March 2, 2020

**CITY OF POUGHKEEPSIE
DUTCHESS COUNTY, NEW YORK**

**\$6,049,852 PUBLIC IMPROVEMENT (SERIAL) BONDS, SERIES 2009 A
(Greater Poughkeepsie Library District)**

Dated Date: April 15, 2009

Principal Due: December 15, 2009-2030 as shown herein
Interest Due: June 15 and December 15 of each year until maturity commencing December 15, 2009

BOND MATURITY SCHEDULE

Year	Amount	Rate	Yield, or Price	CUSIP #
2009	\$254,852	3.00%	0.75%	738629-S70
2010	185,000	2.00	1.10	738629-S88
2011	190,000	2.00	1.35	738629-S96
2012	190,000	2.50	1.50	738629-T20
2013	195,000	2.25	1.90	738629-T38
2014	205,000	4.00	2.30	738629-T46
2015	215,000	4.00	2.60	738629-T53
2016	225,000	3.125	2.85	738629-T61
2017	230,000	3.25	3.00	738629-T79
2018	245,000	5.00	3.30	738629-T87
2019	255,000	5.00	3.50	738629-T95
2020	265,000	4.00	3.70	738629-U28
2021	280,000	4.00	3.80	738629-U36
2022	290,000	4.00	3.90	738629-U44
2023	305,000	4.00	@ 100	738629-U51
2024	315,000	4.00	4.05	738629-U69
2025	330,000	4.00	4.10	738629-U77
2026	345,000	4.125	4.20	738629-U85
2027	360,000	4.25	4.30	738629-U93
2028	375,000	4.375	4.40	738629-V27
2029	390,000	4.375	4.45	738629-V35
2030	405,000	4.50	@ 100	738629-V43

**ROOSEVELT & CROSS, INC.
AND ASSOCIATES**

**\$2,845,000 BOND ANTICIPATION NOTES, SERIES 2009 A
(Landfill Closure)**

Dated Date: April 23, 2009
Interest Rate: 1.50%

CUSIP 738629-V50

Due: September 11, 2009
Reoffering Yield: 1.00%

JEFFERIES & COMPANY, INC.

**\$8,922,226 BOND ANTICIPATION NOTES, SERIES 2009 B
(Various Purposes)**

Dated Date: April 23, 2009
Interest Rate: 3.00%

CUSIP 738629-V68

Due: April 23, 2010
Reoffering Yield: 1.50%

JEFFERIES & COMPANY, INC.

Official Minutes of the Common Council Meeting of March 2, 2020

Refunding + New Money Bonds

City of Poughkeepsie

Dutchess County, New York

Public Improvement Refunding Bonds, Series 2020

Public Improvement Bonds, Series 2020 A

Summary of Bonds Refunded

Issue	Maturity	Type	of Bond	Coupon	Maturity Value	Call Date	Call Price
Dated 12/15/2019 Delivered 12/15/2019							
Series 2009A	12/15/2020	Serial	Coupon	4.000%	265,000	06/01/2020	100.000%
Series 2009A	12/15/2021	Serial	Coupon	4.000%	280,000	06/01/2020	100.000%
Series 2009A	12/15/2022	Serial	Coupon	4.000%	290,000	06/01/2020	100.000%
Series 2009A	12/15/2023	Serial	Coupon	4.000%	305,000	06/01/2020	100.000%
Series 2009A	12/15/2024	Serial	Coupon	4.000%	315,000	06/01/2020	100.000%
Series 2009A	12/15/2025	Serial	Coupon	4.000%	330,000	06/01/2020	100.000%
Series 2009A	12/15/2026	Serial	Coupon	4.125%	345,000	06/01/2020	100.000%
Series 2009A	12/15/2027	Serial	Coupon	4.250%	360,000	06/01/2020	100.000%
Series 2009A	12/15/2028	Serial	Coupon	4.375%	375,000	06/01/2020	100.000%
Series 2009A	12/15/2029	Serial	Coupon	4.375%	390,000	06/01/2020	100.000%
Series 2009A	12/15/2030	Serial	Coupon	4.500%	405,000	06/01/2020	100.000%
Subtotal	-	-	-	-	\$3,660,000	-	-
Total	-	-	-	-	\$3,660,000	-	-

Aggregate Ref + New Issues | Issue Summary | 2/28/2020 | 12:38 PM

M&T Securities, Inc.
Public Finance

Official Minutes of the Common Council Meeting of March 2, 2020

Refunding + New Money Bonds

City of Poughkeepsie

Dutchess County, New York

Public Improvement Refunding Bonds, Series 2020

Public Improvement Bonds, Series 2020 A

Refunding Analysis By Maturity

Maturity	Type of Bond	Coupon	Principal	Call Date	Savings	Percent	Cumulative	Total %
Series 2009A								
12/15/2020	Serial Coupon	4.000%	265,000	06/01/2020	2,564	0.967%	429,629	11.738%
12/15/2021	Serial Coupon	4.000%	280,000	06/01/2020	7,869	2.810%	427,065	12.579%
12/15/2022	Serial Coupon	4.000%	290,000	06/01/2020	13,383	4.615%	419,196	13.457%
12/15/2023	Serial Coupon	4.000%	305,000	06/01/2020	19,466	6.382%	405,813	14.365%
12/15/2024	Serial Coupon	4.000%	315,000	06/01/2020	25,556	8.113%	386,347	15.331%
12/15/2025	Serial Coupon	4.000%	330,000	06/01/2020	32,366	9.808%	360,791	16.362%
12/15/2026	Serial Coupon	4.125%	345,000	06/01/2020	42,180	12.226%	328,426	17.516%
12/15/2027	Serial Coupon	4.250%	360,000	06/01/2020	53,367	14.824%	286,246	18.709%
12/15/2028	Serial Coupon	4.375%	375,000	06/01/2020	65,986	17.598%	233,879	19.904%
12/15/2029	Serial Coupon	4.375%	390,000	06/01/2020	75,907	19.463%	166,892	20.993%
12/15/2030	Serial Coupon	4.500%	405,000	06/01/2020	90,985	22.466%	90,985	22.466%
Subtotal	-	-	\$3,660,000	-	\$429,629	11.738%	\$429,629	11.738%
Total	-	-	\$3,660,000	-	\$429,629	11.738%	\$429,629	11.738%

Adjustments To Escrow Definition

Proposed Refunding Date

4/30/2020

Present Value Savings Discount Rate (AIC)

2.1034169%

Aggregata Real Estate | New Issues | Issue Summary | 2/28/2020 | 12:38 PM

M&T Securities, Inc.
Public Finance

Official Minutes of the Common Council Meeting of March 2, 2020

Refunding + New Money Bonds

City of Poughkeepsle

Dutchess County, New York

Public Improvement Refunding Bonds, Series 2020

Current Refunding of Series 2009A for Level FY Savings

Sources & Uses (Refunding of 2009A)

Dated 04/30/2020 | Delivered 04/30/2020

Sources of Funds

Par Amount of Bonds	\$1,270,000.00
Reoffering Premium	346,925.15

Total Sources

\$3,816,925.15

Uses of Funds

Deposit to Current Refunding Fund	3,725,184.28
Costs of Issuance	47,787.83
Total Underwriter's Discount (1.168%)	38,206.71
Rounding Amount	5,746.31

Total Uses

\$3,816,925.15

Aggregate Ref + New Issue | Refunding of 2009A | 2/25/2020 | 12:38 PM

M&T Securities, Inc.
Public Finance

Page 9

Official Minutes of the Common Council Meeting of March 2, 2020

Refunding + New Money Bonds

City of Poughkeepsie

Dutchess County, New York

Public Improvement Refunding Bonds, Series 2020

Current Refunding of Series 2009A for Level FY Savings

Pricing Summary (Refunding of 2009A)

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
12/15/2020	Serial Coupon	2.000%	1.300%	285,000.00	100.433%	286,234.05
12/15/2021	Serial Coupon	4.000%	1.350%	245,000.00	104.243%	255,395.35
12/15/2022	Serial Coupon	4.000%	1.460%	230,000.00	106.516%	266,290.00
12/15/2023	Serial Coupon	4.000%	1.560%	265,000.00	108.563%	287,697.25
12/15/2024	Serial Coupon	4.000%	1.660%	275,000.00	110.374%	303,528.50
12/15/2025	Serial Coupon	4.000%	1.740%	290,000.00	112.058%	324,968.20
12/15/2030	Term 1 Coupon	5.000%	2.230%	1,660,000.00	126.073%	2,092,811.80
Total	-	-	-	\$3,270,000.00	-	\$3,816,925.15

Bid Information

Par Amount of Bonds	\$3,270,000.00
Reoffering Premium or (Discount)	546,925.15
Gross Production	\$3,816,925.15
Total Underwriter's Discount (1.168%)	\$(38,206.71)
Bid (115.537%)	3,778,718.44
Total Purchase Price	\$3,778,718.44
Bond Year Dollars	\$19,578.75
Average Life	3.987 Years
Average Coupon	4.7215093%
Net Interest Cost (NIC)	2.1231900%
True Interest Cost (TIC)	1.9061189%

Aggregate Ref + New Issue | Refunding of 2009A | 2/26/2020 | 12:38 PM

M&T Securities, Inc.
Public Finance

Official Minutes of the Common Council Meeting of March 2, 2020

Refunding + New Money Bonds

City of Poughkeepsie

Dutchess County, New York

Public Improvement Refunding Bonds, Series 2020

Current Refunding of Series 2009A for Level FY Savings

Semi-Annual Debt Service Schedule (Refunding of 2009A)

Date	Principal	Coupon	Interest	Total P+I
06/15/2020	-	-	-	-
12/15/2020	285,000.00	2.000%	88,562.50	373,562.50
06/15/2021	-	-	68,000.00	68,000.00
12/15/2021	245,000.00	4.000%	68,000.00	313,000.00
06/15/2022	-	-	63,100.00	63,100.00
12/15/2022	250,000.00	4.000%	63,100.00	313,100.00
06/15/2023	-	-	58,100.00	58,100.00
12/15/2023	265,000.00	4.000%	58,100.00	323,100.00
06/15/2024	-	-	52,800.00	52,800.00
12/15/2024	275,000.00	4.000%	52,800.00	327,800.00
06/15/2025	-	-	47,300.00	47,300.00
12/15/2025	290,000.00	4.000%	47,300.00	337,300.00
06/15/2026	-	-	41,500.00	41,500.00
12/15/2026	300,000.00	5.000%	41,500.00	341,500.00
06/15/2027	-	-	34,000.00	34,000.00
12/15/2027	315,000.00	5.000%	34,000.00	349,000.00
06/15/2028	-	-	26,125.00	26,125.00
12/15/2028	330,000.00	5.000%	26,125.00	356,125.00
06/15/2029	-	-	17,875.00	17,875.00
12/15/2029	350,000.00	5.000%	17,875.00	367,875.00
06/15/2030	-	-	9,125.00	9,125.00
12/15/2030	365,000.00	5.000%	9,125.00	374,125.00
Total	\$3,270,000.00	-	\$924,412.50	\$4,194,412.50

Yield Statistics

Bond Year Dollars	\$19,578.75
Average Life	5.987 Years
Average Coupon	4.7215093%
Net Interest Cost (NIC)	2.1231900%
True Interest Cost (TIC)	1.9061189%
Bond Yield for Arbitrage Purposes	1.7000387%
All Inclusive Cost (AIC)	2.1444515%

IRS Form 8038

Net Interest Cost	1.5843428%
Weighted Average Maturity	6.242 Years

Aggregate Ref + New Issue | Refunding of 2009A | 2/26/2020 | 12:38 PM

M&T Securities, Inc.
Public Finance

Official Minutes of the Common Council Meeting of March 2, 2020

Refunding + New Money Bonds

City of Poughkeepsie

Dutchess County, New York

Public Improvement Refunding Bonds, Series 2020

Current Refunding of Series 2009A for Level FY Savings

FY Debt Service Comparison (Refunding of 2009A)

Date	Total P+I	Net New D/S	Old Net D/S	Savings	Fiscal Total
04/30/2020	-	-	-	-	-
06/15/2020	-	-	76,312.50	76,312.50	-
12/15/2020	373,562.50	373,562.50	341,312.50	(32,250.00)	-
12/31/2020	-	-	-	-	44,062.50
06/15/2021	68,000.00	68,000.00	71,012.50	3,012.50	-
12/15/2021	313,000.00	313,000.00	351,012.50	38,012.50	-
12/31/2021	-	-	-	-	41,025.00
06/15/2022	63,100.00	63,100.00	65,412.50	2,312.50	-
12/15/2022	313,100.00	313,100.00	355,412.50	42,312.50	-
12/31/2022	-	-	-	-	44,625.00
06/15/2023	58,100.00	58,100.00	59,612.50	1,512.50	-
12/15/2023	323,100.00	323,100.00	364,612.50	41,512.50	-
12/31/2023	-	-	-	-	43,025.00
06/15/2024	52,800.00	52,800.00	53,512.50	712.50	-
12/15/2024	327,800.00	327,800.00	368,512.50	40,712.50	-
12/31/2024	-	-	-	-	41,425.00
06/15/2025	47,300.00	47,300.00	47,212.50	(87.50)	-
12/15/2025	337,300.00	337,300.00	377,212.50	39,912.50	-
12/31/2025	-	-	-	-	39,825.00
06/15/2026	41,500.00	41,500.00	40,612.50	(887.50)	-
12/15/2026	341,500.00	341,500.00	385,612.50	44,112.50	-
12/31/2026	-	-	-	-	43,225.00
06/15/2027	34,000.00	34,000.00	33,496.88	(503.12)	-
12/15/2027	349,000.00	349,000.00	393,496.88	44,496.88	-
12/31/2027	-	-	-	-	43,993.76
06/15/2028	26,125.00	26,125.00	25,846.88	(278.12)	-
12/15/2028	356,125.00	356,125.00	400,846.88	44,721.88	-
12/31/2028	-	-	-	-	44,443.76
06/15/2029	17,875.00	17,875.00	17,643.75	(231.25)	-
12/15/2029	367,875.00	367,875.00	407,643.75	39,768.75	-
12/31/2029	-	-	-	-	39,537.50
06/15/2030	9,125.00	9,125.00	9,112.50	(12.50)	-
12/15/2030	374,125.00	374,125.00	414,112.50	39,987.50	-
12/31/2030	-	-	-	-	39,975.00
Total	\$4,194,412.50	\$4,194,412.50	\$4,659,375.02	\$465,162.52	-

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	424,144.72
Net PV Cashflow Savings @ 1.719%(EIC)	424,144.72
Contingency or Rounding Amount	5,746.31
Net Present Value Benefit	\$429,891.03
Net PV Benefit / \$3,660,000 Refunded Principal	11.746%
Net PV Benefit / \$3,270,000 Refunding Principal	13.147%

Refunding Bond Information

Refunding Dated Date	4/30/2020
Refunding Delivery Date	4/30/2020
Aggregate Ref + New Issue Refunding of 2009A 2/28/2020 12:38 PM	

M&T Securities, Inc.
Public Finance

Official Minutes of the Common Council Meeting of March 2, 2020

Refunding + New Money Bonds

City of Poughkeepsie

Dutchess County, New York

Public Improvement Refunding Bonds, Series 2020

Current Refunding of Series 2009A for Level FY Savings

Current Refunding Escrow (Refunding of 2009A)

Date	Principal	Rate	Interest	Receipts	Disbursements	Cash Balance
04/30/2020	-	-	-	0.28	-	0.28
06/01/2020	3,725,184.00	1.590%	5,192.80	3,730,376.80	3,730,377.08	-
Total	\$3,725,184.00	-	\$5,192.80	\$3,730,377.08	\$3,730,377.08	-

Investment Parameters

Investment Model (PV, GIC, or Securities)	Securities
Default investment yield target	Unrestricted
Cash Deposit	0.28
Cost of Investments Purchased with Bond Proceeds	3,725,184.00
Total Cost of Investments	\$3,725,184.28
Target Cost of Investments at bond yield	\$3,724,943.14
Actual positive or (negative) arbitrage	(241.14)
Yield to Receipt	1.6242382%
Yield for Arbitrage Purposes	1.7000387%
State and Local Government Series (SLGS) rates for	2/26/2020

Aggregate Ref + New Issue | Refunding of 2009A | 2/26/2020 | 12:38 PM

M&T Securities, Inc.
Public Finance

Official Minutes of the Common Council Meeting of March 2, 2020

R20-25						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

5. A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.

RESOLUTION
(R20-26)

INTRODUCED BY CHAIR SALEM

WHEREAS, the members of the Board of Assessment Review ("BAR") are appointed by the Common Council pursuant to the City Charter §5.02(1) and the Section 523 of the New York Real Property Tax Law; and

WHEREAS, BAR member Blair Fahey's term expired on September 30, 2019 and the Assessor has recommended the reappointment of Blair Fahey; and

WHEREAS, the Common Council has concurs with the reappointment of Blair Fahey to the Board of Assessment Review; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie does hereby reappoint Blair Fahey to the Board of Assessment Review for a term of five (5) years commencing on October 1, 2019 and expiring September 30, 2024.

SECONDED BY COUNCILMEMBER BRANNEN

R20-26						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

6. A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.

RESOLUTION
R20-27

**RESOLUTION TO RETAIN COUNSEL TO ADVISE THE COMMON COUNCIL ON THE
REDEVELOPMENT OF THE DELAVAL SITE AND THE LOCAL WATERFRONT
REVITALIZATION PLAN REVISION**

INTRODUCED BY CHAIR SALEM AND COUNCILMEMBERS BRANNEN AND MENIST

WHEREAS, the Poughkeepsie Common Council is the lead agency under the State Environmental Review Act for the redevelopment of that parcel of land on the city's Hudson River waterfront commonly known as the "DeLaval" parcel; and

WHEREAS, the City has entered into certain agreements with private parties operating jointly, JM Development Group, LLC and Poughkeepsie Waterfront Redevelopment, LLC (together, "JM") to remediate the DeLaval parcel under the state Brownfields program and to propose and execute a plan for redevelopment of the DeLaval parcel; and

WHEREAS, JM has proposed a significant amendment to the previously understood and agreed plan for development; and

WHEREAS, the Common Council must consider the changes in potential for significant adverse environmental impact, if any, from the development under the amended DeLaval parcel proposal; and

WHEREAS, the city is revising its proposed Local Waterfront Revitalization Plan ("LWRP") for review by the state Department of State under the Coastal Management Program; and

WHEREAS, the Common Council has authority to approve the LWRP submittal to the Department of State; and

WHEREAS, the LWRP revisions may have a significant impact on the redevelopment of the DeLaval parcel, due to its location and prominence on the waterfront, and vice-versa; and

WHEREAS, the Common Council requires technical and legal assistance to inform its review of the proposed amendments to the DeLaval parcel redevelopment and the LWRP; and

WHEREAS, under section 2.18 of the Administrative Code, the Common Council has authority to retain professional staff to assist in its consideration of the DeLaval parcel redevelopment and the LWRP; and

WHEREAS, in the 2020 budget, the City allocated funds in the Common Council's budget for contractual services such as this; and

WHEREAS, the corporation counsel is recused from counseling the city, including the Common Council, on the DeLaval parcel redevelopment and the LWRP due to a potential conflict of interest involving JM; and

WHEREAS, the Common Council requires and seeks alternative counsel on the DeLaval parcel redevelopment and the LWRP; and

Official Minutes of the Common Council Meeting of March 2, 2020

WHEREAS, David Gordon, Esq. and his firm have substantial experience representing clients, including municipalities, on environmental and land use matters in the Hudson Valley and on the Hudson River; and,

WHEREAS, Warren Replansky, Esq., who formerly advised the Council on DeLaval parcel redevelopment and related matters is of counsel to Mr. Gordon's firm; and

WHEREAS, the Common Council wishes to retain the services of David Gordon, Esq. and his firm to counsel it on matters relating to DeLaval parcel redevelopment and the LWRP; now, therefore

BE IT RESOLVED, that the City Council hereby authorizes the retention of the law firm of David Gordon, Esq. to advise and counsel the City Council on matters relating to the DeLaval parcel redevelopment and the LWRP; and

BE IT FURTHER RESOLVED that the Councilmember-at-large is hereby authorized to enter into a retainer agreement for legal counsel regarding the DeLaval parcel redevelopment and the LWRP with the law firm of David K. Gordon, Esq. in the same, or substantially the same, form as annexed hereto.

SECONDED BY COUNCILMEMBER BRANNEN

R20-27						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

X. NEW BUSINESS:

XI. OLD BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to adjourn the meeting at 7:43 p.m.

Dated: March 11, 2020

Official Minutes of the Common Council Meeting of March 2, 2020

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, March 2, 2020.

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**