



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, May 21, 2024, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is May 21, 2024, and the time is 6:33pm

I. ROLL CALL: 8 Present, 1 Absent (Councilmember Deichler)

II. REVIEW OF MINUTES:

**Common Council Public Hearing – Consideration of Adopting ETPA
Common Council Meeting - May 7, 2024**

A motion to accept the minutes was made by Vice Chair Shook and seconded by Councilmember Grant.

CC Public Hearing & CCM Minutes of May 7, 2024 –VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

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

NONE

IV. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM MICAH JUMPP**, a presentation on behalf of the **PK B.A.Y (Poughkeepsie Board of Artistic Youth)** regarding their youth-let public art sculpture.
- 2. FROM BARBARA D. COHEN**, a notice of personal injury sustained on April 27, 2024.
- 3. FROM ABDU ALI AZEZ**, 30 Day Notice of adult-use dispensary license application.

A motion to defer the two Notice of Claims to Corporation Counsel was made by Vice Chair Shook and seconded by Councilmember Menist

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

- Laurie Sandow – S. Grand Ave *
- Rich Lanzarone – HVPOA
- Kaleb Croft – Hook Rd
- Darrett Roberts – Hooker Ave / CVH-DSA
- Linda Bartee – Garden St / CVH
- Daniel Atonna – College Ave / For the Many
- Jamar Cummings – Main St
- Jeffrey Dash – Carroll St / For the Many
- June Neman – Union St
- Melissa Hoffman – Lexington Ave
- Clay Antonatos – Delano St.
- Eaije – Academy St
- Ken Levinson – Garfield Place*
- Ethan Rignanese**

***Submitted Written Comments**

****Submitted Written Comments ONLY**

Laurie Sandow comments, c/PK Common Council meeting, May 21, 2024

Tonight, Poughkeepsie school children are performing at two different venues. Morse Elementary has a performance at the Bardavon; and Poughkeepsie Middle School students are presenting their Spring Concert and Art Show. And the electeds in this City, who swear that they're all about the youth?—they're nowhere to be seen at either of those events tonight, just as (with the lone exception of Nedra Thompson) they were nowhere to be seen at either of the two different mental health forums that took place last week. Nor did they attend the Fair Housing forum held at Beulah Baptist in late April. Where can you find these electeds on a regular basis? In the flood of Facebook selfies posted only after the fact, never making the effort to involve and fully inform constituents about actual events beforehand or afterwards.

Let's take, for example, the May 2nd so-called "news conference" about gun violence, never made public until after it took place—gun violence that is inseparable from the housing, employment, education and mental health crises that are plaguing this city. This city and this city's electeds can pretend that conference communicated with the public on May 2nd, but the reality is that a staged meeting like the one they held—behind closed doors without public notice, public attendance, public participation; without broadcast, webcast or permanent record—was nothing more than a tree falling in the forest with nobody there to see it.

Or let's take another recent City of Poughkeepsie Facebook post describing training for councilmembers, and how "Common Council members had their questions answered about City Administration operations." Councilmembers had training and had their questions answered? Yet these are the very same councilmembers who gladly cooperated with, and helped defeat the right and opportunity for the public to have their own questions answered. The very same councilmembers who silently acquiesced or outright supported the illegal 5-minute time restriction imposed on the public at the March 2024 Informational Meeting (one of only two such Charter-mandated annual meetings provided to the public).

This is the very same Council that continues to do their work behind closed doors under silence and protection of a consent agenda that operates without a written policy. The same Council that adjourns meetings rather than grapple with difficult issues. The same Council that violates Open Meetings Law to invent and introduce new rules at the 11th hour, with the express purpose of undermining public knowledge and comment, as well as diminishing and even defeating electeds' ability to represent the interests and concerns of the public. The same Council Chair, Da'Ron Wilson, who has repeatedly lied to the public, and even publicly to his own fellow councilmembers, breaking the law with help from this City's Corporation Counsel at meeting after meeting, both of them modeling the worst of adult behavior to this city's youth. Will anyone on this Council ever step up to demand faithful adherence to sworn oaths of office? To demand behavior that embraces accountability, transparency and personal responsibility? to right all that's wrong with this current Council picture?

And, oh, let me not forget Mayor Flowers, who sat silent in her Council seat during years of repeated Council lawbreaking; who benefited her election by supporting this Council's self-serving violation of the Voting Rights Act, and who is once again breaking the law with her Facebook post about deleting critical comments from her so-called "personal FB page". Rulings regarding the use of social media by electeds, and comment blocking and deletions, date back as far back as Trump and AOC, and as recent as the Supreme Court's unanimous decision of March 15.

Yet Flowers, the candidate who claimed she would unify the City, wrote: "Please note: This is my personal Facebook page and my posts are to let family and friends know what I'm doing and how I am doing as Mayor or in my personal life. If you need to reach me in regards to city business, please do not send messages through Facebook messenger. I do not have access to messenger. Please see below to contact me by email or phone. I will be happy to help in any way I can. If you don't like what I post, don't leave a negative comment on my page. I will delete it. If you are frustrated by what is happening in Pok, please feel free to contact me by email or phone. If you want to post your frustration on Facebook, feel free to do it on your own page. Thank you!"

I remind this Council as well as this Mayor: you ran for seats of service, not privilege. Yet, here in Council Chambers, we are witness to constant performance failure by members who manufacture rules, and erect illegal barriers—literal barriers, physical and otherwise—to defend their inability and lack of commitment to conducting democratic meetings. We have Council members who haven't met or communicated with their constituents in months, and even years.

If councilmembers attended County Legislature meetings, they'd be shamed by the Legislature's civil response to public commenters vs. this Council's own abrupt interruptions and demands for cessation. If councilmembers ever attended any other City of Poughkeepsie committee meetings, they'd not only have their eyes opened to issues affecting their own Wards and constituents, they'd also have their eyes opened to the growing population of inept and/or unqualified friends-of-electeds who've been placed into seats on various City committees. Our councilmembers have shown themselves to be Johnny-on-the-Spot when it comes to paychecks and benefits. The public demands the same behavior when it comes to public service. City of Poughkeepsie residents are not viewing this Council's behavior favorably, nor taking their dereliction of duty lightly.

Presented on May 23, 2024 at the Common Council open comments session:

To Mayor Yvonne Flowers and Members of the Common Council:

Reasons rent stabilization is bad for the residents of the city of Poughkeepsie:

My name is Ken Levinson and I reside on Garfield Place with my wife. We raised two children who went to City of Poughkeepsie schools. I have invested my time and money in the City of Poughkeepsie for more than 38 years. My tenants are my neighbors and become part my community. As a landlord I rent to many low-income households that cannot afford higher rents. 90% of my rents are below market rate rents. With rent stabilization, the onerous paperwork and controls will cause people like me to leave the landlord business. We will be replaced by out-of-town investors, that do not know who their tenants are, and will not pay attention to the upkeep of their buildings and welfare of their tenants. Please let me explain.

In the rent stabilization rules and regulations there are 38 chapters representing 988 pages of material. Owners must file reports every year and pay a fee per apartment to the State Agency located in Jamaica, Queens. If a refrigerator breaks and needs replacement, the landlord must send an application to Jamaica Queens, which then in turn sends it to the tenants to get the tenant's approval. Then the state agency gives the go ahead to the landlord to buy a new refrigerator. This byzantine bureaucracy could take months. Meanwhile the tenant suffers. Contrast that with how I operate today. If a refrigerator breaks, I purchase a new refrigerator that day.

Under rent stabilization, there are 37 notices that must be posted and continually updated in the building's lobby. None of my building are large enough to have a lobby. The 37 required posted notices include The Department of Housing Preservation and Development (HPD) Multiple Dwelling Registration Plaque, Availability of HPD ABC's of Housing Guide, Certificate of Occupancy, HPD Inspector Visitation Form, Smoke Detector Notice, Carbon Monoxide Detector Notice, Gas Meter Room Sign, Boiler Room Access Signs, Boiler Certificate, Elevator Inspection, Elevator Landing Signs, Stairwell Identification Signs, Fire Safety Notice, Fire Safety Plan, "NO smoking" and "No Electronic Cigarette Use" Signs, Building Smoking Policy, Lead Based Paint Sign, Sprinkler Control Value Notice, Floor Number Signs, Garbage Removal Signs, Refuse Chute Signs, Recycling Signs, HCR Initial Building Services Registration Form, Superintendent/Janitor Sign, Asbestos Projects, Petroleum Bulk Storage Registration Certificate, Fire and Emergency Preparedness Notice, Information Section of the Fire and Emergency Preparedness Guide, Temporary Posting of Emergency Information in the Event of a Dangerous Storm/Power Outage, 24 Hours' Notice of Interruption of Services, Procedure for Tenants of Suspected Gas Leaks, Notice of Bedbug Infestation Histories, Procedure for Tenants in the Event of a Fire, Procedure for Tenants in the Event of a Local Fire, Building Energy Grade, Hurricane Evacuation Zone Notice, and Notification of City Department of Buildings Violations.

In looking at the potential properties that could be subject to rent stabilization 86% of them (97 of 113 properties) have an average of under 8 apartments per building. These vast majority of properties are owned locally and likely to be sold to large out of town operators who are familiar with the bureaucracy and filing involved with rent stabilization.

Finally, rent stabilization covers only 15% of all the rental units in Poughkeepsie. The remaining 85% of tenants would have no protection and no rights to remain. And rents for the other units would increase even higher than if rent stabilization were enacted. The broader, Good Cause Eviction protection, passed by Albany on April 18, 2024 would be a superior tenant protection law for Poughkeepsie.

As the Common Council is aware; the event venue located on Rinaldi Blvd continues to operate in open violation of the city noise ordinance with its use of an outdoor audio system. Thanks to what the owners advertise as an \$80,000 investment towards "more powerful speakers and subs" for their outdoor ballroom, the surrounding residential neighborhood is now subjected to heavy wall thumping bass from early afternoon until late at night on a near daily basis.

I have called the police, written emails, and submitted a question during the last special information session. I have tried and exhausted every reasonable way to have this problem addressed. With the exception of Mr. Menist's brief email from three months ago which confirmed the law isn't being properly enforced, I have been entirely ignored.

The fact is the city is knowingly allowing the law to be broken and the same officials tasked with enforcing these policies choose instead to regularly accept invitations, book private events, and endorse the venue on social media. If this is not a clear conflict of interest, what reasonable conclusions should a person come to when they see this behavior from their elected officials?

If this disruption to the peace and quality of life in my neighborhood is allowed to continue any longer, I will be filing ethics complaints documenting the failure of city officials to follow state and local ethics policies. It's unfortunate that I find this step necessary, but what other options do I have left when all previous means of amiable communication have been met with silence?

Just as you promised the resident who came to you with a similar issue during the last meeting; declare this property as a nuisance and force them to comply with the same laws that everyone else is expected to follow. This type of scenario is the exact reason why the supplemental enforcement action exists, it provides the Common Council with the ability to enforce zoning ordinance. Until the day comes when city officials can rewrite the zoning codes to benefit their personal interests, there is an ethical and legal duty to enforce the current laws as they are written and without favor.

Ethan Rignanese

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Thank you to everyone that came out and voiced their opinions on the various things. Once again, thank you to the children and the people that came out from PK Bay.

Also, if you have time, don't forget to vote for the school board budget and the Poughkeepsie budget for school and school board election.

That's all my comments.

VII. MAYOR'S COMMENTS:

Thank you. Chair.

Obviously, there's a couple of things here.

I do want to thank our Town of [Poughkeepsie] police and our Dutchess County Sheriff and our Dutchess County task force have been working with our city police department on, numerous things have been going on in the city of Poughkeepsie, especially on a weekend. It's been pretty busy.

So I do want to thank you for the efforts, that's happening in the city and also thank the New York State Department of Environmental Conservation and also the police, our City of Poughkeepsie police and our DPW.

We had a, a situation just recently, a few days ago, regarding a bear that was in the City of Poughkeepsie. So I thank all these entities, along with the residents that were in the area there to kind of help keep the bear contained in the tree until help came. Because we did have a concern about our children who are walking through the streets and [would] have encountered the bear which they were the ones who found them in the morning. So, I do appreciate all the efforts that were put, you know, together in order to make sure that the bear was safe and it was taken to a different location.

So, everything worked out well. So, I thank everybody for that.

Also to if anyone wants to participate in a Juneteenth event that's going to happen on June 16th, they can call Stacey Bottoms. She is taking a list of the individuals that are- they want to participate and it's going to be at Waryas Park where there'll be vendors and they'll be tabling there in Waryas Park on the 16th and the 15th. If you have an organization or a business that is doing anything for the Juneteenth, please let us know and we can make sure that it's out in The Buzz so people know. So we want to do it more of a weekend celebration this particular year. So, if anyone's interested, want to know any more information, you can call Stacey Bottoms at, 845-451-4073.

Also, there's an RFP that went out for food trucks. So if anyone is interested and they have a food truck and they want to operate in our parks, Pulaski Park and Spratt Park, we are

asking, to respond to an RFP. And this is due on May 24th. Also, part of the RFP, if you have the food truck and you want to operate just on Fridays in front of City Hall or on Market Street, that you also can participate in that. But of course, that ends on May 24th, which is this Friday. So, if you're interested to please, send your information in.

Also too, I know working with, the Chair in regards to Boards and Committees. So, we have gotten resumes on many of the Boards and Committees that have, openings. So, we are going to start conducting the interviews because I do. The goal is, is to by mid-June, to fill all the seats on the Boards and Committees. So, just wanted to let people know where we are on that.

On this Sunday, there's going to be the Memorial Day service that will be held at the Soldiers Fountain that's on Market Street. That's going to be at 3:00 pm. The American Legion, Lafayette post number 2037 does this every year. So, if anyone's available, please come out, to join us for that service.

I also, wanted to remind people that, you know, sometimes they're looking for new, trying to find out different information is coming up or things that have happened. I do encourage people to sign up for The Buzz. You can go on the city website, and you can sign up for and every Friday The Buzz comes out and it will give you information on what's going on. It'll tell you some of the things that, like garbage pickup or, you know, bulk service, things like that. It's very informative. So, if you haven't done so already, please sign up for the buzz and you will get, you know, weekly, information about what's going on.

I know this came up as far as the- adopting the ETPA I've been getting several calls that have been coming to the mayor's office in regards to it. I've I said this, you know, as a council member, and I say this as a Mayor. I do not like the fact that, you know, landlords can raise rents for \$500, \$600, \$700, \$800 for someone's rent. And that amount of that type of increase, considering that the fact, you know, that normally a person would not be able to cover that. Most raises that anybody's getting in their pay can be \$70 or \$80, maybe up to \$100. And I just feel by raising someone's rent to that magnitude is basically setting them up to be homeless. You know, so we do have to work on efforts to try to help individuals stay in their home. Adopting an ETPA is only one part of the puzzle. It's only a tool that would only help a small portion of the units, and people are a little confused about it. Not in this room because you seem to know about it, but throughout the city they feel like once this stabilization order goes in place, if that happens, then now all the rents in the city will be stabilized. That is not correct. It is only a handful of units that will be stabilized. Actually, about 1400 will be stabilized. And these are buildings that were built before 1974. So that means rents are going to still kind of increase. And now that the state has, passed the, I guess a version of a good cause eviction, something that we did as Councilmembers, you know, previously and then find out it didn't held [sic] up in court. So now I think this coming forward is something we're going to look at the Council members and the mayor's office, regarding a good cause, eviction and how that can work moving forward. Something has to happen because of the fact that, you know, we're getting a lot of calls about people getting thrown in the street. You know, and the shelters are filling up, especially the family shelters, and they have nowhere else to go. I am a landlord, so I know what landlords go through. I've dealt with situations. I know sometimes landlords deal with, you know, the high cost of repairs and other things that come along with that. So not all landlords out

there trying to make a profit. So, we've got a counter with that myth and with some people as well, but we have to find a more, better solution to deal with this because it's getting out of hand. And to the point that it's not fair, that people have to worry about keeping a roof over their head and then worrying about being paying for food when they know that they're using all their money to pay for rent. So it's something I'm looking forward, working with the Councilmembers to come up with some solutions that would help, you know, that we can make it a little easier for our residents.

Thank you. Chair. That's it.

VIII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

IX. REPORTS OF COMMITTEES AND BOARDS:

A motion to approve the consent agenda was made by Vice Chair Shook and seconded by Majority Leader Patterson Thompson

CONSENT AGENDA:

X. MOTIONS AND RESOLUTIONS:

- 1. R-24-36, Bond Resolution Authorizing the Improvements/Repairs of Water Treatment Facility Sludge Tanks**

RESOLUTION

R-24-36

EXTRACT OF MINUTES

(Poughkeepsies' Water Treatment Facility—Sludge Tanks)

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 May 21, 2024 at 6:30 o'clock p.m., local time.

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

PRESENT:

Councilmember at Large Da’Ron Wilson
Councilmember Ernest Henry
Councilmember Evan Menist
Councilmember Terriciana Brown
Councilmember Nathan Shook
Councilmember Ondie James
Councilmember Christopher Grant
Councilmember Nedra Patterson
Thompson

ABSENT:

Councilmember Megan Deichler

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez, PhD

The following resolution was offered by Councilmembers Grant, Shook, Patterson Thompson, Henry and Deichler, seconded by Councilmember Shook, to wit;

BOND RESOLUTION DATED MAY 21, 2024

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,689,236 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CITY’S SHARE OF THE ESTIMATED \$3,056,958 COST OF THE POUGHKEEPSIES’ WATER TREATMENT FACILITY SLUDGE TANKS AND AUTHORIZING THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

WHEREAS, the Poughkeepsies’ Water Treatment Facility is owned and operated as a joint project of the City of Poughkeepsie and Town of Poughkeepsie pursuant to an inter- municipal agreement dated August 3, 1995, as amended (the “Inter-municipal Agreement”), entered into pursuant to Article 5-G of the General Municipal Law, and the Poughkeepsies’ Joint Water Board has recommended certain improvements to the Poughkeepsie Water Treatment Facility including replacement of thickened sludge storage tanks, the cost of which is to be allocated between the City of Poughkeepsie and the Town of Poughkeepsie pursuant to the Inter-municipal Agreement;

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. The improvement of the Poughkeepsies' Water Treatment Facility, consisting of the planning, design, construction and installation of equipment, machinery, apparatus, appurtenances, and incidental site and other improvements and expenses in connection with the replacement of sludge tanks, is hereby authorized at an estimated maximum joint project cost of \$3,056,958. The City's share of such estimated maximum joint cost has been determined to be \$1,689,236, hereby appropriated for such purpose. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It has been 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 under SEQRA not to have a significant impact on the environment.

SECTION 3. The City plans to finance the City's share of the cost of said purposes by the issuance of serial bonds of the City in an amount not to exceed \$1,689,236, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City plans to provide for amounts equal to annual debt service costs with respect to obligations issued hereunder from its Water Fund revenues. The remaining share of the total joint project cost is to be paid by the Town of Poughkeepsie pursuant to the Inter-municipal Agreement.

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 may 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. To the extent not paid from other sources, 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 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 Commissioner of Finance is further authorized, in his discretion, to execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by one or more notes or bond issues of the City and the sale of such issues to the New York State Environmental Facilities Corporation or its designee pursuant to the New York State Revolving Fund Program.

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:

(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, 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.

R-24-36 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

Executive Summary—Not a part of the Resolution

This New Resolution for the **(Poughkeepsies' Water Treatment Facility—TSST Tanks)** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	PPU (Max. Period for <u>Financing</u>)	<u>Total Project Cost</u>	<u>Other Funds</u> (Town of Poughkeepsie's share)	<u>Bonds Authorized</u>
Section 1: City's share of the Poughkeepsies' Water Treatment Facility--Sludge Tanks		40 years	\$3,056,958	\$1,367,722	\$1,689,236

1. R-24-37, Bond Resolution Authorizing the Replacement of Water Treatment Facility Filters

RESOLUTION

R-24-37

**EXTRACT OF MINUTES
(Poughkeepsies' Water Treatment Facility—
Filters)**

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 May 21, 2024 at 6:30 o'clock p.m., local time.

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

PRESENT:

Councilmember at Large Da'Ron Wilson
Councilmember Ernest Henry
Councilmember Evan Menist
Councilmember Terriciana Brown
Councilmember Nathan Shook
Councilmember Ondie James
Councilmember Christopher Grant
Councilmember Nedra Patterson Thompson

ABSENT:

Councilmember Megan Deichler

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez, PhD

The following resolution was offered by Councilmembers Grant, Shook, Patterson Thompson, Henry and Deichler, seconded by Councilmember Shook, to wit;

BOND RESOLUTION DATED MAY 21, 2024

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,488,791 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CITY'S SHARE OF THE ESTIMATED \$4,515,700 COST OF THE POUGHKEEPSIES' WATER TREATMENT FACILITY FILTER REPLACEMENT AND AUTHORIZING THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

WHEREAS, the Poughkeepsies' Water Treatment Facility is owned and operated as a joint project of the City of Poughkeepsie and Town of Poughkeepsie pursuant to an inter- municipal agreement dated August 3, 1995, as amended (the "Inter-municipal Agreement"), entered into pursuant to Article 5-G of the General Municipal Law, and the Poughkeepsies' Joint Water Board has recommended certain improvements to the Poughkeepsie Water Treatment Facility including replacement of filters, the cost of which is to be allocated between the City of Poughkeepsie and the Town of Poughkeepsie pursuant to the Inter-municipal Agreement;

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. The improvement of the Poughkeepsies' Water Treatment Facility, consisting of the planning, design, construction and installation of equipment, machinery, apparatus, appurtenances, and incidental site and other improvements and expenses in connection with the replacement of filters, is hereby authorized at an estimated maximum joint project cost of \$4,515,700. The City's share of such estimated maximum joint cost has been determined to be \$2,488,791, hereby appropriated for such purpose. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It has been 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 under SEQRA not to have a significant impact on the environment.

SECTION 3. The City plans to finance the City's share of the cost of said purposes by the issuance of serial bonds of the City in an amount not to exceed \$2,488,791, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City plans to provide for amounts equal to annual debt service costs with respect to obligations issued hereunder from its Water Fund revenues. The remaining share of the total joint project cost is to be paid by the Town of Poughkeepsie pursuant to the Inter-municipal Agreement.

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 may 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. To the extent not paid from other sources, 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 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 Commissioner of Finance is further authorized, in his discretion, to execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by one or more notes or bond issues of the City and the sale of such issues to the New York State Environmental Facilities Corporation or its designee pursuant to the New York State Revolving Fund Program.

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:

- (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, 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.

SECONDED BY COUNCILMEMBER SHOOK

R-24-37 - VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled		Councilmember Henry	Voter	☒	☐	☐
		Councilmember Menist	Voter	☒	☐	☐
		Councilmember Brown	Voter	☒	☐	☐
		Councilmember James	Voter	☒	☐	☐
		Councilmember Grant	Voter	☒	☐	☐
		Councilmember Deichler	Voter	☐	☐	☒
		Majority Leader Patterson Thompson	Voter	☒	☐	☐
		Vice Chair Shook	Voter	☒	☐	☐
		Chairman Wilson	Voter	☒	☐	☐

Executive Summary—Not a part of the Resolution

This New Resolution for the **(Poughkeepsies' Water Treatment Facility—Filters)** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	PPU (Max. Period for <u>Financing</u>)	<u>Total Project Cost</u>	<u>Other Funds</u> (Town of Poughkeepsie's share)	<u>Bonds Authorized</u>
Section 1: City's share of the Poughkeepsies' Water Treatment Facility--Filters		40 years	\$4,515,700	\$2,026,909	\$2,488,791

2. R-24-38, Supplemental Bond Resolution for Funding Garden Street over Fall Kill Creek Bridge Replacement

**RESOLUTION
(R-24-38)**

Garden Street over Fall Kill Creek Bridge Replacement

Authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid (if applicable) eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

INTRODUCED BY COUNCILMEMBERS GRANT, SHOOK, PATTERSON THOMPSON, HENRY AND DEICHLER

WHEREAS, a Project for the Garden Street over Fall Kill Creek Bridge Replacement (BIN 2262680) in the City of Poughkeepsie, PIN 8761.96 (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 construction and construction inspection; and

WHEREAS, this resolution shall supplement Resolution R-23-29

NOW, THEREFORE, the Common Council, duly convened does hereby:

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Poughkeepsie City Council 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 incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$4,122,500 (\$4,811,697 minus the previous \$689,197) is hereby appropriated from Account 30-08-5110 7461 (Contract Ser-Engineering 19BRG.01) 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 exceeds the amount appropriated above, the Common Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Administrator thereof, and it is further

RESOLVED, that the City Administrator 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 City Administrator the following municipal titles: Mayor, Commissioner of Public Works, City Engineer, and Commissioner of Finance are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, 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.

SECONDED BY COUNCILMEMBER SHOOK

STATE OF NEW YORK)
) SS:
COUNTY OF DUTCHESS)

I, Donna DeLuca, Acting City Chamberlain 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 City of Poughkeepsie Common Council at a meeting duly called and held at a meeting duly called and held at City Hall on May 21, 2024 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 _____, 2024.

Deputy City Chamberlain City of Poughkeepsie

PIN 8761.96
11/26/2018mg

R-24-38 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

Sponsor: **City of Poughkeepsie**
 PIN: **8761.96** BIN: **2262680**
 Comptroller's Contract No. **D036275**
 Supplemental Agreement No. **2**
 Date Prepared: **4/29/2024** By: **DR**
 Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 2 to D036275 (Comptroller's Contract No.)

This Supplemental 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

City of Poughkeepsie (the Sponsor)
 Acting by and through the **City Administrator**
 with its office at **62 Civic Center Plaza, Poughkeepsie, NY 12601.**

This amends the existing Agreement between the parties in the following respects only:

Amends a previously adopted Schedule A by (check as applicable):

- ☐ amending a project description
- ☐ amending the contract end date
- ☒ amending the scheduled funding by:
 - ☒ adding additional funding (check and enter the # phase(s) as applicable):
 - ☒ adding phase **Construction** which covers eligible costs incurred on/after **4/5/2024**
 - ☐ adding phase _____ which covers eligible costs incurred on/after / /
 - ☒ increasing funding for a project phase(s)
 - ☒ adding a pin extension
 - ☐ change from Non-Marchiselli to Marchiselli
 - ☐ deleting/reducing funding for a project phase(s)
 - ☐ other (_____)

- ☐ Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)
- ☒ Amends a previously adopted Agreement by replacing the Appendix A dated October 2019 with the Appendix A dated June 2023.
- ☐ Amends a previously adopted Agreement by adding:
 - ☐ Appendix B M/WBE/SDVOB.
 - ☐ Retention Exhibit.
 - ☐ Other: _____

- ☐ Amends the text of the Agreement as follows (insert text below):

Sponsor: **City of Poughkeepsie**
 PIN: **8761.96** BIN: **2262680**
 Comptroller's Contract No. **D036275**
 Supplemental Agreement No. **2**
 Date Prepared: **4/29/2024** By: **DR**
 Initials

Press F1 for instructions in the blank fields:

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

SPONSOR:

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/her 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

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.

By: _____
 Assistant Attorney General

Date: _____

COMPTROLLER'S APPROVAL:

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

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYS DOT/ State-Local Agreement - Schedule A for PIN 8761.96

OSC Contract #: <u>D036275</u>	Contract Start Date: <u>3/18/2019</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. 2	
Agreement Type: ☒ Locally Administered Municipality/Sponsor (Contract Payee): City of Poughkeepsie Other Municipality/Sponsor (if applicable): _____ ☐ State Administered <i>List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.</i> ☐ Municipality: _____ % of Cost share ☐ Municipality: _____ % of Cost share ☐ Municipality: _____ % 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
(Check, if Project Description has changed from last Schedule A): ☐ Project Description: PIN 8761.96 (BIN 2262680) Garden Street over Fall Kill Creek Bridge Replacement, City of Poughkeepsie, Dutchess County	
Marchiselli Eligible ☒ Yes ☐ No	

A. Summary of Participating 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	Funding Source (Percentage)	TOTAL Costs	FEDERAL Funds	STATE Funds	LOCAL Funds	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8761.96.121	Current	STP (80%)	\$624,000.00	\$499,200.00	\$93,600.00	\$31,200.00	\$0.00
	Old	STP (80%)	\$624,000.00	\$499,200.00	\$93,600.00	\$31,200.00	\$0.00
8761.96.221	Current	STP (80%)	\$42,582.00	\$34,065.00	\$6,388.00	\$2,129.00	\$0.00
	Old	STP (80%)	\$42,582.00	\$34,065.00	\$6,388.00	\$2,129.00	\$0.00
8761.96.222	Current	STP (80%)	\$22,613.00	\$18,090.00	\$3,392.00	\$1,131.00	\$0.00
	Old	STP (80%)	\$22,613.00	\$18,090.00	\$3,392.00	\$1,131.00	\$0.00
8761.96.321	Current	STP (80%)	\$3,898,700.00	\$3,118,960.00	\$0.00	\$779,740.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
8761.96.NPS	Current	100% Local	\$223,800.00	\$0.00	\$0.00	\$223,800.00	\$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
. .	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:			\$4,811,695.00	\$3,670,315.00	\$103,380.00	\$1,038,000.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A PIN 8761.96

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

C. Total Project Costs <i>All totals will calculate automatically.</i>			
Total FEDERAL Cost	Total STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$3,670,315.00	\$103,380.00	\$1,038,000.00	\$4,811,695.00
		Total FEDERAL Cost	\$3,670,315.00
		Total STATE Cost	\$103,380.00
SFS TOTAL CONTRACT AMOUNT			\$3,773,695.00

D. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: <u>Danielle Rispoli</u> Phone No: <u>845-431-5724</u>
--	--

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

Footnotes (FN): (See [LPB's](#) SharePoint for link to sample footnotes)

- Project description continued: The project consists of the replacement of the entire existing Garden Street bridge structure, including both abutments.
- This Schedule A add the construction and construction inspection phases and funds.
-
-
-
-
-
-
-
-
-

APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

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

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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, if this contract exceeds \$50,000 (or \$75,000 for State University of New York or City University of New York contracts for goods, services, construction and printing, and \$150,000 for State University Health Care Facilities) 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, either for itself or its customer agencies by the Office of General Services Business Services Center, is required when such contracts exceed \$85,000. Comptroller’s approval of contracts established as centralized contracts through the Office of General Services is required when such contracts exceed \$125,000, and when a purchase order or other procurement transaction issued under such centralized contract exceeds \$200,000.

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, citizenship or immigration status, 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. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2 NYCRR § 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, the "Records"). The Records

must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.

(a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

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 or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this

law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in § 165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992 (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business and Technology Development
625 Broadway
Albany, New York 12245
Telephone: 518-292-5100

A directory of certified minority- and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue 33rd Floor
New York, NY 10017
646-846-7364
email: mwbusinessdev@esd.ny.gov
<https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

The Omnibus Procurement Act of 1992 (Chapter 844 of the Laws of 1992, codified in State Finance Law § 139-i and Public

Authorities Law § 2879(3)(n)-(p)) requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority- and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively, codified in State Finance Law § 165(6) and Public Authorities Law § 2879(5)) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 2023, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii.

22. COMPLIANCE WITH BREACH NOTIFICATION AND DATA SECURITY LAWS. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law §§ 899-aa and 899-bb and State Technology Law § 208).

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/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.

SAMPLE RESOLUTION BY MUNICIPALITY
(Locally Administered Project)
RESOLUTION NUMBER: _____

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.

WHEREAS, a Project for the Garden Street over Fall Kill Creek Bridge Replacement (BIN 2262680) in the City of Poughkeepsie, PIN 8761.96 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 construction and construction inspection.

NOW, THEREFORE, the Poughkeepsie City Council, duly convened does hereby

RESOLVE, that the Poughkeepsie City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Poughkeepsie City Council 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 incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$4,122,500 (\$4,811,697 minus the previous \$689,197) is hereby appropriated from _____ [or, appropriated pursuant to _____] 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 exceeds the amount appropriated above, the Poughkeepsie City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Administrator thereof, and it is further

RESOLVED, that the City Administrator 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 City Administrator the following municipal titles: Commissioner of Public Works, City Engineer, City Comptroller, _____ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, 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, _____, 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 _____, 2024.

Clerk, City of Poughkeepsie

1. R-24-39, Resolution Approving the Appropriation of Unspent ARPA Funds

**RESOLUTION OF THE CITY OF POUGHKEEPSIE TO APPROPRIATE
UNSPENT AMERICAN RESCUE PLAN ACT OF 2021 (ARPA) FUNDS IN
2024**

(R-24-39)

**INTRODUCED BY COUNCILMEMBERS GRANT, SHOOK, PATTERSON
THOMPSON, HENRY AND DEICHLER**

WHEREAS, the City was awarded \$20,863,783 in federal funding through the American Rescue Plan Act of 2021 (ARPA) to aid recovery from the COVID-19 pandemic; and

WHEREAS, the City received the funding in two equal tranches in 2021 and 2022, to be appropriated by December 31, 2024; and

WHEREAS, by the close of fiscal year 2023, the City spent \$15,276,955.58 of these ARPA funds on budgeted, legislatively-approved expenses; and

WHEREAS, the City has an additional \$2,070,387.72 of ARPA funds encumbered as open purchase orders for budgeted, legislatively-approved expenses; and

WHEREAS, the City budgeted \$1,500,000 of ARPA funds in the 2024 Adopted Budget;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council amends the 2024 Adopted Budget to appropriate \$1,717,000 in unspent, unencumbered ARPA funds for purposes identified in “Schedule A”, leaving an additional \$299,439.70 in unspent, unencumbered ARPA funds that need to be appropriated by December 31, 2024.

SECONDED BY COUNCILMEMBER SHOOK

R-24-39 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

Schedule A

Amending the 2024 Adopted Budget to appropriate unspent, unencumbered American Rescue Plan Act of 2021 (ARPA) funds.

G/L	Description	Amount Increase	
01-02-1210 7469.AR	Outreach Resource Recovery (partner w/ Hudson River Housing & County)	\$	100,000
01-02-1210 7469.AR	Affordable Housing Taskforce	\$	250,000
01-04-1310 7469.AR	Training for IDA & Staff to Rewrite UTEP	\$	7,000
01-08-1440 7440.AR	FPD Stair Repairs	\$	99,000
01-08-1440 7441.AR	Disability Rights Sidewalk & Street Repairs	\$	250,000
01-08-1440 7443.AR	Pershing Park Electrical Shed	\$	50,000
01-08-1440 7461.AR	City Hall Engineering & Resilience Consulting	\$	160,000
01-08-1440 7461.AR	Transfer Station Engineering Study	\$	125,000
01-08-1620 7440.AR	Hooker Firehouse Emergency Repairs	\$	28,000
01-08-1620 7440.AR	Emergency Electrical Repairs at City Hall	\$	48,000
01-08-1640 7233.AR	Purchase of DPW Multi-Purpose Vehicle	\$	240,000
01-08-5650 7218.AR	FPD Paystations	\$	100,000
01-08-7110 7421.AR	Academy St. Sign	\$	30,000
01-10-3410 7444.AR	Fire Truck Emergency Repairs	\$	30,000
01-11-8020 7469.AR	Business Improvement District	\$	100,000
01-11-8020 7469.AR	Façade Program	\$	100,000
Total:		\$	1,717,000

XI. ORDINANCES AND LOCAL LAWS:

A motion to approve the action agenda was made by Councilmember Grant and seconded by Majority Leader Patterson Thompson

ACTION AGENDA:

XII. MOTIONS AND RESOLUTIONS:

1. **SEQRA Resolution R-24-40** and **Sale Resolution R-24-41**, authorizing the Sale of City Owned Property – vacant lot known as 149 Cannon St (Tax Map No. 131300-6161-23-276969)

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) RESOLUTION REGARDING A SALE OF CERTAIN CITY OWNED PROPERTIES (R-24-40)

INTRODUCED BY COUNCILMEMBERS GRANT, SHOOK, PATTERSON THOMPSON AND HENRY

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 149 Cannon Street and identified as Tax Map Nos. 131300-6161-23-276969.

WHEREAS, the Common Council considers the proposed sale to be an Unlisted Action under Title 6 NYCRR, Section 617.2 of the SEQRA regulations; and

WHEREAS, the Common Council considers itself to be the only "involved agency" with respect to this proposed sale of properties; and

WHEREAS, the Common Council has reviewed the proposed sale of properties in accordance with Title 6 NYCRR, Section 617.11; and

WHEREAS, the Common Council has considered the attached Short Environmental Assessment Form (EAF).

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above-described action is subject to SEQRA; and

2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above-described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above-described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above-described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above-described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER SHOOK

R-24-40 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

RESOLUTION
(R-24-41)

**INTRODUCED BY COUNCILMEMBERS GRANT, SHOOK, PATTERSON THOMPSON
AND HENRY**

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot located at 149 Cannon Street and known as Tax Map No. 131300-6161-23-276969 in the City of Poughkeepsie by reason of Treasurer's Deed for unpaid taxes; and

WHEREAS, the above-mentioned property has been offered for sale by the City in accordance with the policy for the sale of City owned property; and

WHEREAS, an offer has been received from Kaylas & Jessica Bhiri to purchase this property for the sum of \$20,000.00; and

WHEREAS, the Common Council hereby finds that the offer from Kaylas & Jessica Bhiri is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby makes the following determinations: (a) that there is no existing municipal purpose or need for this property, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance; and be it further

RESOLVED, that the offer from Kaylas & Jessica Bhiri to purchase the vacant lot located at 149 Cannon Street and known as Tax Map No. 131300-6161-23-276969 in the City of Poughkeepsie for the sum of \$20,000.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

RESOLVED, that this sale is approved subject to the following conditions:

- A. The conveyance of title and the payment of the purchase price shall take place within sixty (60) days of the date of approval by the Common Council, unless Corporation Counsel shall grant an extension as deemed appropriate.
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations, including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance, and real property taxes coming due pursuant to law on and after the date of transfer of title.

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- C. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by Quitclaim deed subject to any defects or encumbrances as are of record.
- D. Purchaser shall commence an Article 15 bar claim action promptly after closing.
- E. Purchaser agrees that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into an Agreement for Sale of Land for the above-mentioned transaction provided such agreement contains the terms contained herein together with such other terms and conditions which the Mayor and the Corporation Counsel shall deem appropriate, and the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER SHOOK

R-24-41 - VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

XIII. ORDINANCES AND LOCAL LAWS:

XIV. ADJOURNMENT:

There was a motion to adjourn the meeting at 8:00pm made by Vice-Chair Shook which was seconded by Majority Leader Patterson Thompson.

Official Minutes of the Common Council Meeting of May 21, 2024

Dated: May 26, 2024

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, May 21, 2024.

**Respectfully submitted,
Donna M. DeLuca
Deputy City Chamberlain**