

**TROY CITY COUNCIL
FINANCE COMMITTEE AGENDA
October 22, 2020
6:00 P.M.**

Pledge of Allegiance
Roll Call
Approval of Minutes
Presentation of Agenda
Public Forum (*see end of agenda for instructions)

LOCAL LAWS

ORDINANCES

77. Ordinance Amending The Capital Projects Fund And General Fund Budgets (Council President Mantello) (At The Request Of The Administration)

78. Ordinance Transferring Funds Within The 2020 Water Fund Budget (Council President Mantello) (At The Request Of The Administration)

79. Ordinance Transferring Funds Within The 2020 Sewer Fund Budget (Council President Mantello) (At The Request Of The Administration)

80. Ordinance Amending The 2020 General Fund Budget (Council President Mantello) (At The Request Of The Administration)

81. Ordinance Amending The 2020 General Fund Budget (Council President Mantello) (At The Request Of The Administration)

82. Ordinance Amending The Capital Projects Fund Budget (Council President Mantello) (At The Request Of The Administration)

83. Ordinance Declaring Certain City Owned Personal Property As Surplus And Directing The Comptroller To Dispose Of The Surplus Property (Council President Mantello) (At The Request Of The Administration)

84. Ordinance Approving The Use Of The Remaining Neighborhood Improvement Program Funds To Improve The Sixth Avenue Park On Old Sixth Avenue (Council President Mantello)

RESOLUTIONS

99. Resolution 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 Therefor (Council President Mantello) (At The Request Of The Administration)

100. Resolution Of The Troy City Council Appointing Andrew Cooper To The Troy Community Land Bank Board Of Directors (Council President Mantello, Council Member Steele)

102. Bond Resolution Of The City Of Troy, New York, Authorizing The Issuance Of \$1,210,416 Additional Serial Bonds To Finance The Cost Of The Construction Of The South Troy Industrial Roadway (Council President Mantello) (At The Request Of The Administration)

103. Resolution Confirming The Appointment Of Andrew M. Piotrowski As Comptroller Of The City Of Troy (Council President Mantello) (At The Request Of The Administration)

***PUBLIC FORUM**

Due to the current COVID-19 crisis and pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, this meeting shall be held remotely via videoconference and live-streamed on the City Council's [YouTube channel](#). Troy residents who wish to comment during the public forum at the beginning of the meeting must have the ability to join the Zoom meeting via computer or phone and will be required to pre-register for the meeting. The link to register for the meeting will be posted at least 24 hours before the meeting on the Council [Agenda and Minutes](#) page and sent out through the City Clerk's public notices [email list](#). You must register for the meeting by 3 pm on the day of the meeting. Comments for the Finance Committee meeting must be regarding agenda items.

Per the City Council, written comments will not be read aloud at this meeting but will be added to the meeting minutes. Written comments to be added to the meeting minutes should be sent to mara.drogan@troyny.gov and must be received by 3 pm on the day of the meeting. You must include your full name and residential address, as required by Council rules. Written comments received after 3 pm shall be treated as correspondence and forwarded to the Council for their review.

**ORDINANCE AMENDING THE CAPITAL PROJECTS FUND AND GENERAL FUND
BUDGETS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2020 budget is herein amended as set forth in Schedule A entitled:

2020 Budget Amendments – Additional Capital Projects Funding

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel

MEMO IN SUPPORT

This ordinance amends the General Fund and Capital Projects Fund budgets to appropriate additional funds for the Leonard Hospital Demolition (\$52,000) and Police Impound Building (\$40,000) projects. These are current capital projects that require the additional funding to complete the projects.

Schedule A

ORD77

2020 Budget Amendments – Additional Capital Projects Funding

Department	Account No.	Description	Original Budget*	Change (+ / -)	Revised Budget
General Fund					
Expenditures					
Interfund Transfers	A.9950.0900.0000.0000	Capital Fund	80,700.00	92,000.00	172,700.00
Contingency	A.1990.0418.0000.0000	Contingency	470,984.95	<u>(92,000.00)</u>	378,984.95
Total General Fund Budget Expenditure Increase				<u>0.00</u>	
Net Impact On General Fund				0.00	
Capital Projects Fund					
Revenues					
2019 General Fund Capital Plan - Police	H.0000.5031.0644.0000	Interfund Transfers	180,000.00	40,000.00	220,000.00
Leonard Hospital Demolition	H.0000.5031.0632.0000	Interfund Transfers	0.00	<u>52,000.00</u>	52,000.00
Total Capital Projects Fund Budget Revenue Increase				<u>92,000.00</u>	
Expenditures					
2019 General Fund Capital Plan - Police	H.3120.0204.0644.0000	Facilities Upgrades & Improvements	300,000.00	40,000.00	340,000.00
Leonard Hospital Demolition	H.1620.0200.0632.0000	Equipment & Capital Outlay	2,500,000.00	<u>52,000.00</u>	2,552,000.00
Total Capital Projects Fund Budget Expenditure Increase				<u>92,000.00</u>	
Net Impact On Capital Projects Fund				0.00	

* Or as previously amended

ORDINANCE TRANSFERRING FUNDS WITHIN THE 2020 WATER FUND BUDGET

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2020 budget is herein amended as set forth in Schedule A entitled:

2020 Budget Transfer(s) – Water Fund

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel



INTER-OFFICE MEMORANDUM

To: Andrew Piotrowski, Deputy Comptroller

From: Chris Wheland, Superintendent of Public Utilities

Subject: November 2020 Water Transfers

Date: October 6, 2020

There are some transfers required for the November 2020 council meeting. These are to cover current expenses and in anticipation of future expenditures.

Transfers in the Garage line are to purchase parts for vehicle repairs and are required with winter coming.

The administration increase in phone utilities is due to an increase in cellular control of offsite properties, the cell phone bill has increased and the transfer is to cover costs associated with controlling pumps and monitoring remote sites.

Purification is for the ongoing maintenance and projects at the water plant to meet a consent order with DEC for the clearing of the sludge lagoons. We are completing work in house and saving on hiring contractors. By doing this there is an increase in overtime and rental equipment.

Transmission and Distribution transfer allows for the continued operation of the water distribution system.

If you have other questions please let me know.

Cc: Patrick Madden, Mayor
Monica Kurzejeski, Deputy Mayor

Schedule A

ORD78

2020 Budget Transfer(s) – Water Fund

Department	Account No.	Description	Original Budget*	Change (+ / -)	Revised Budget
DPU Garage	F.1640.0304.0056.0000	Vehicle Expense - Gas	180,000.00	(30,000.00)	150,000.00
DPU Garage	F.1640.0304.0057.0000	Vehicle Expense - Parts	150,000.00	20,000.00	170,000.00
DPU Garage	F.1640.0304.0058.0000	Vehicle Expense - Repairs	100,000.00	(20,000.00)	80,000.00
DPU Administration	F.8310.0401.0053.0000	Utilities - Phone	9,500.00	4,000.00	13,500.00
DPU Administration	F.8310.0404.0068.0000	Repairs - Equipment	4,000.00	(4,000.00)	0.00
DPU Administration	F.8310.0413.0046.0000	Taxes To Other Governments	700,000.00	(54,000.00)	646,000.00
DPU Pumping Station	F.8320.0401.0054.0000	Utilities - Gas & Electric	170,000.00	(30,000.00)	140,000.00
DPU Transmission	F.8330.0103.0000.0000	Overtime	80,000.00	15,000.00	95,000.00
DPU Transmission	F.8330.0303.0000.0000	Other Materials & Supplies	850,650.00	60,000.00	910,650.00
DPU Transmission	F.8330.0404.0068.0000	Repairs - Equipment	25,000.00	(10,000.00)	15,000.00
DPU Transmission	F.8330.0405.0068.0000	Rentals - Equipment	5,000.00	7,000.00	12,000.00
DPU Transmission	F.8330.0423.0000.0000	Uniforms	25,000.00	15,000.00	40,000.00
DPU Purification	F.8340.0303.0000.0000	Other Materials & Supplies	357,650.00	20,000.00	377,650.00
DPU Purification	F.8340.0404.0068.0000	Repairs - Equipment	10,000.00	7,000.00	17,000.00
Net Impact On Water Fund				<u>0.00</u>	

* Or as previously amended

ORDINANCE TRANSFERRING FUNDS WITHIN THE 2020 SEWER FUND BUDGET

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2020 budget is herein amended as set forth in Schedule A entitled:

2020 Budget Transfer(s) – Sewer Fund

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel



INTER-OFFICE MEMORANDUM

To: Andrew Piotrowski, Deputy Comptroller

From: Chris Wheland, Superintendent of Public Utilities

Subject: November Council Transfers

Date: October 6, 2020

There are a few transfers required for Sewer on the November 2020 council meeting.

These transfers are required to balance the budget within the Utilities Gas and Electric and Rental Equipment lines.

If you have other questions please let me know.

Cc: Patrick Madden, Mayor
Monica Kurzejeski, Deputy Mayor

Schedule A

ORD79

2020 Budget Transfer(s) – Sewer Fund

Department	Account No.	Description	Original Budget*	Change (+ / -)	Revised Budget
DPU Sanitary Sewers	G.8120.0303.0000.0000	Other Material & Supplies	248,200.00	(6,000.00)	242,200.00
DPU Sanitary Sewers	G.8120.0401.0054.0000	Utilities - Gas & Electric	10,000.00	2,000.00	12,000.00
DPU Sanitary Sewers	G.8120.0404.0068.0000	Repairs - Equipment	15,000.00	4,000.00	19,000.00
Net Impact On Water Fund				<u>0.00</u>	

* Or as previously amended

ORDINANCE AMENDING THE 2020 GENERAL FUND BUDGET

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2020 budget is herein amended as set forth in Schedule A entitled:

2020 Budget Amendment(s) – CARES Act Funding

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel

MEMO IN SUPPORT

This ordinance establishes the accounts and funding for the funds received by the City of Troy as part of the CARES Act approved earlier in the 2020 fiscal year. Funding will assist various organizations and businesses throughout the City. This is meant to assist those organizations and businesses to prepare for, prevent and respond to the impact of Covid-19.

Funding does provide for \$191,079 to be used for purchases made or to be made within the City's operating funds as a result of the pandemic.

Schedule A

ORD80

2020 Budget Amendment(s) – CARES Act Funding

Department	Account No.	Description	Original Budget*	Change (+ / -)	Revised Budget
Revenues					
CDBG	CD.8000.4910.2000.3024	Federal Aid - CDBG - CARES Act	0.00	1,076,079.00	1,076,079.00
ESG	CD.8000.4910.4000.3024	Federal Aid - ESG - CARES Act	0.00	<u>539,890.00</u>	539,890.00
Total Community Development Fund Budget Revenue Increase				<u>1,615,969.00</u>	
Expenditures					
CDBG	CD.2019.0400.2000.3024	Administration	0.00	191,079.00	191,079.00
CDBG	CD.2019.0400.2000.3025	Youth Programs & Youth Summer Camp	0.00	400,000.00	400,000.00
CDBG	CD.2019.0400.2000.3026	Business Assistance & Retention Grants	0.00	400,000.00	400,000.00
CDBG	CD.2019.0400.2000.3027	Covid-19 Meal Distribution & Food Pantries	0.00	85,000.00	85,000.00
ESG	CD.2019.0400.4000.4136	Homelessness Prevention	0.00	254,178.65	254,178.65
ESG	CD.2019.0400.4000.4137	Emergency Shelter	0.00	169,955.00	169,955.00
ESG	CD.2019.0400.4000.4138	Rapid Rehousing	0.00	75,264.60	75,264.60
ESG	CD.2019.0400.4000.4139	Administration	0.00	40,491.75	40,491.75
Total Community Development Fund Expenditure Increase				<u>1,615,969.00</u>	
Net Impact On General Fund				<u>0.00</u>	

* Or as previously amended

ORDINANCE AMENDING THE 2020 GENERAL FUND BUDGET

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2020 budget is herein amended as set forth in Schedule A entitled:

2020 Budget Amendment(s) – General Fund

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel

MEMO IN SUPPORT

The following descriptions are indicative of the corresponding amendment(s) in the Reference column on the Schedule A.

1. Amending the 2020 budget for the total amount of CDBG administrative expenses allowed for reimbursement under CARES Act funding.
2. Amending the 2020 budget for the first installment of the Charter settlement as approved by the City Council at the October City Council meeting.
3. Various transfers within the Garage department for funding for the remainder of the 2020 fiscal year.
4. Various transfers within Recreation – Parks for the costs to winterize the South Troy Pool.
5. A transfer for additional materials within the Fire Department.
6. A transfer within the City Comptroller’s Office for a proposed salary increase.
7. A transfer for Facilities to pay the remaining balance due to Siemens for the 2020 fiscal year.
8. Various transfers as requested by the Police Department for funding for the remainder of the 2021 fiscal year.

Schedule A

ORD81

2020 Budget Amendment(s) – General Fund

Department	Account No.	Description	Original Budget*	Change (+ / -)	Revised Budget	Reference
Revenues						
Interfund Revenues	A.1000.2801.0407.3024	Community Development - Covid	50,000.00	141,079.00	191,079.00	1
Franchises	A.0000.1170.0000.0000	Franchises	610,000.00	<u>143,290.00</u>	753,290.00	2
Total General Fund Budget Revenue Increase				<u>284,369.00</u>		
Expenditures						
Facilities	A.1620.0303.0000.3024	Other Material & Supplies - Covid	50,000.00	141,079.00	191,079.00	1
Contingency	A.1990.0418.0000.0000	Contingency	470,984.95	143,290.00	614,274.95	2
OGS - Garage	A.1640.0304.0057.0000	Vehicle Expense - Parts	215,000.00	15,000.00	230,000.00	3
OGS - Garage	A.1640.0304.0056.0000	Vehicle Expense - Gas	20,400.00	(15,000.00)	5,400.00	3
OGS - Garage	A.1640.0304.0058.0000	Vehicle Expense - Repairs	80,000.00	3,500.00	83,500.00	3
OGS - Garage	A.1640.0203.0000.0000	Other Equipment	15,900.00	(3,500.00)	12,400.00	3
Recreation - Parks	A.7110.0303.2431.0000	Other Material & Supplies	15,000.00	9,700.00	24,700.00	4
Recreation - Parks	A.7110.0405.0068.0000	Rentals - Equipment	6,500.00	(6,500.00)	0.00	4
Recreation - Parks	A.7110.0409.0000.0000	Consultant Services	50,000.00	(3,200.00)	46,800.00	4
Fire Department	A.3410.0304.0057.0000	Vehicle Expense - Parts	67,500.00	(7,500.00)	60,000.00	5
Fire Department	A.3410.0303.0019.0000	Other Material & Supplies - Ambulance	30,000.00	7,500.00	37,500.00	5
Comptroller's Office	A.1315.0408.0000.0000	Dues & Subscriptions	3,000.00	(980.00)	2,020.00	6
Comptroller's Office	A.1315.0101.0000.0000	Permanent Salaries	634,548.00	910.00	635,458.00	6
Comptroller's Office	A.1315.0806.0000.0000	Social Security	49,462.00	70.00	49,532.00	6
OGS - Facilities	A.1620.0409.0000.0000	Consultant Services	194,000.00	30,000.00	224,000.00	7
Contingency	A.1990.0418.0000.0000	Contingency	470,984.95	(30,000.00)	440,984.95	7
Police	A.3120.0301.0000.0000	Office Supplies	16,110.00	(5,000.00)	11,110.00	8
Police	A.3120.0303.0103.0000	Other Material & Supplies	91,175.00	3,500.00	94,675.00	8
Police	A.3120.0304.0057.0000	Vehicle Expense - Parts	95,053.00	6,200.00	101,253.00	8
Police	A.3120.0402.0000.0000	Postage	4,500.00	(1,200.00)	3,300.00	8
Police	A.3120.0403.0000.0000	Printing & Advertising	16,000.00	(3,000.00)	13,000.00	8
Police	A.3120.0405.0091.0000	Rentals	18,000.00	(2,500.00)	15,500.00	8
Police	A.3120.0408.0000.0000	Dues & Subscriptions	5,000.00	(1,000.00)	4,000.00	8
Police	A.3120.0411.0000.0000	Travel	11,822.00	(2,500.00)	9,322.00	8
Police	A.3120.0423.0000.0000	Uniforms	73,507.00	5,500.00	79,007.00	8
Total General Fund Budget Expenditure Increase				<u>284,369.00</u>		
Net Impact On General Fund				<u>0.00</u>		

* Or as previously amended

ORDINANCE AMENDING THE CAPITAL PROJECTS FUND BUDGET

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2020 budget is herein amended as set forth in Schedule A entitled:

2020 Budget Amendments – South Troy Roadway

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel

MEMO IN SUPPORT

This ordinance amends the capital project for the South Troy Roadway based on the supplemental agreements passed by the City Council in 2019 that increased the project budget with New York State Department of Transportation. The first supplemental increased the funding for construction costs as part of the Phase I. The second supplemental agreement established funding for design and right-of-way costs for Phase II. Below is a table showing the respective budget for each of the phases along with the revenue source broken down by federal, state and local monies.

Phase I

Description	Dollar Amount
Federal	4,290,018
State	335,263
Local	2,094,742
Total	7,350,023

Phase II

Description	Dollar Amount
Federal	293,006
State	0
Local	73,251
Total	366,257

Schedule A

ORD82

2020 Budget Amendments – South Troy Roadway

Department	Account No.	Description	Original Budget*	Change (+ / -)	Revised Budget
Revenues					
South Troy Roadway	H.5000.4597.0406.0002	Federal Aid	293,006.00	962,420.00	1,255,426.00
South Troy Roadway	H.5000.3597.0406.0002	State Aid	0.00	0.00	0.00
South Troy Roadway		BANs Redeemed	73,251.00	<u>247,996.00</u>	321,247.00
Total Capital Projects Fund Budget Revenue Increase				<u>1,210,416.00</u>	
Expenditures					
South Troy Roadway	H.5197.0200.0406.0002	Equipment & Capital Outlay	366,257.00	<u>1,210,416.00</u>	1,576,673.00
Total Capital Projects Fund Budget Expenditure Increase				<u>1,210,416.00</u>	
Net Impact On Capital Projects Fund				<u>0.00</u>	

* Or as previously amended

ORDINANCE DECLARING CERTAIN CITY OWNED PERSONAL PROPERTY AS SURPLUS AND DIRECTING THE COMPTROLLER TO DISPOSE OF THE SURPLUS PROPERTY

The City of Troy, convened in City Council, ordains as follows:

- Section 1.** Pursuant to §C-41 (B) (8) of the City Charter, the items of City owned property described in the attached memorandum are herein declared to be surplus and the City Purchasing Agent, or a designee, is hereby authorized and directed to sell all of the itemized surplus property.
- Section 2.** The surplus property shall be sold “as is” for the highest bid price and on such additional terms and conditions as shall be set by the City Comptroller.
- Section 3.** If no bidder or bidders are interested in any or all of the items of surplus property, the City Comptroller is hereby authorized to dispose of any such item.
- Section 4.** This ordinance shall take effect immediately.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel

MEMO IN SUPPORT

The City Purchasing Agent, or designee, works on a periodic basis with the various City Departments to identify and dispose of items of personal property that are no longer useful.

Surplus List September 2020

ORD83

DPW			
<u>Item Description</u>	<u>Serial/VIN number</u>	<u>Unit Number</u>	<u>Location</u>
2006 Chevrolet 2500HD pickup	1GCHK24U26E158485	18	DPW
2001 International 4700 recycling truck	1HTSLAAN71H370142	14	DPW
2010 Ford F350 pickup	1FTWF3BY2AEB01011	51	DPW
2001 International 4900 grapple, dump	1HTSDAAR81H378475	158	Alamo
2002 International 4900 grapple, dump	1HTSDAAR02H537166	159	Alamo
2003 Johnston Allianz J4000 sweeper	1J9VM4HAX3C172008	128	DPW
1988 John Deere 670B grader	DW670BX517906	118	DPW
2007 Dodge Charger	2B3KA43G67H771155	92	elot
ODB LCT650 Leaf sucker	0603 3653		elot
2005 Ventrac 4200 tractor	VBB1983		DPW
Wells Cargo rest room trailer	1WC2000G1071116484		elot
150 coin operated parking meters			DPW
Gas powered paint sprayer			DPW
Pneumatic truck bumper jack			DPW
Curtis ML10 air compressor			DPW
NAPA Engine driven air compressor			elot
10ft Tarco salter			DPW
5 Stihl weed trimmers			elot
Champion 80 gallon air compressor			DPW
Gas powered hammer drill			DPW
Coats 5060AX tire machine			elot
Coats tire balancer			elot
Pallet jack			elot
2 Homelite gnerators			elot/DPW
Homelite water pump			elot
Drum parts washer			DPW
Tire dolly			DPW
Meyer plow A frame			DPW
Meyer plow mounting frame			DPW
Briggs engine w/blower housing			DPW
2 Briggs engines			DPW
Rolling tool cart			DPW
3 oil hose reels			DPW
8 propane tanks			DPW
Genisys scan tool			DPW
Greenlee Rolling tool cabinet			elot
Brother fax machine			DPW
2 acetylene torch kits			DPW
2 trailer hitch receivers			DPW
Electric duct damper			DPW
fuel storage caddy			DPW
New Holland backhoe pads			DPW
3 floor jacks			DPW

**ORDINANCE APPROVING THE USE OF THE REMAINING NEIGHBORHOOD
IMPROVEMENT PROGRAM FUNDS TO IMPROVE
THE SIXTH AVENUE PARK ON OLD SIXTH AVENUE**

The City of Troy, convened in City Council, ordains as follows:

- Section 1.** A total of \$10,000 has been set aside in the 2020 City of Troy Budget for the 2020 Neighborhood Improvement Program.
- Section 2.** The City Council of the City of Troy, New York, having given due deliberation and consideration, approved \$7,453.66 for worthwhile neighborhood projects from the 2020 Neighborhood Improvement Program Funds as recommended by the Neighborhood Improvement Program Subcommittee, and allocated those funds according to the awards of the Subcommittee.
- Section 3.** The City Council and City residents desire to upgrade the Sixth Avenue Park on Old Sixth Avenue. The Park is in need of improvements, landscaping, playground equipment, and other amenities.
- Section 4.** The City Council recently passed Resolution #96 which dedicates a location on Old Sixth Avenue (as yet not finally determined) to be named “Ayshawn’s Place.” A neighborhood meeting with residents, stakeholders, the City Council, and the City Administration is to take place in the near future to discuss this effort and the overall neighborhood issues, including the Park. The City Council and the Administration will work cooperatively to put a plan and timeline together for the desired Park upgrades.
- Section 5.** The City Council, by this Ordinance, allocates and awards the remaining Neighborhood Improvement Program funds in the amount of \$2,546.34 to upgrades and improvements for the Sixth Avenue Park on Old Sixth Avenue.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel

RESOLUTION 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 THEREFOR

WHEREAS, a Project for the South Troy Industrial Park Road (Phase II), P.I.N. 1761.30 (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 Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Detailed Design and ROW Incidentals & Acquisitions phases,

NOW, THEREFORE, the City Council duly convened does hereby

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

RESOLVED, that the City Council has previously authorized the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Detailed Design and ROW Incidentals phases work of \$329,300.00 for the Project or portions thereof; and it is further

RESOLVED, that the City Council has authorized the City of Troy to additionally pay in the first instance 100% of the federal and non-federal share of the cost of Detailed Design and ROW Incidentals & Acquisitions phases work of \$1,239,982.00 for the Project or portions thereof; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceed the amounts appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Dept. of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Troy be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Troy 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 therefor that are not so eligible; and it is further

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.

Approved as to form _____, 2020

Richard T. Morrissey, Corporation Counsel



W.M. Patrick Madden
Mayor

Monica Kurzejeski
Deputy Mayor

Steven Strichman
*Commissioner of Planning &
Economic Development*

**Department of
Planning & Economic Development**
City Hall
433 River Street
Troy, New York 12180

Phone: (518) 279-7166
Fax: (518) 268-1690
Steven.Strichman@troyny.gov

To: City Council
From: Steven Strichman
Date: October 8, 2020
Re: South Troy Industrial Road (STIR) Right of Way (ROW) / Acquisition

With Phase 1 (Main St. to Monroe St.) construction of the STIR nearing completion, the next step of Phase 2, (Monroe St. to Adams St.) has been authorized for Right of Way / Acquisition. Two separate appraisals were done for each property. The attached sheet reflects the offer price totaling \$1,230,000. I have not provided the specific parcel by parcel numbers as we are still in negotiations.

Offers will be made in the near future, at which time funds must be available to present a check along with each offer.

As an update, when the acquisitions are recorded, we will be coming back to the Council for bonding of the construction later in 2021. Since authorization for construction is contingent upon the ROW / Acquisition phase being complete, we are not prepared to ask for construction funding at this time.

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
 NYSDOT/ State-Local Agreement - Schedule A for PIN 1761.30**

OSC Municipal Contract #: <u>D040075</u>	Contract Start Date: <u>01/09/2020</u>	Contract End Date: <u>08/31/2028</u> <input type="checkbox"/> Check, if date changed from the last Schedule A
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Purpose: Original Standard Agreement Supplemental Schedule A No. 1

Agreement Type: Locally Administered Municipality/Sponsor (Contract Payee): City of Troy
 Other Municipality/Sponsor (if applicable): _____

State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

Authorized Project Phase(s) to which this Schedule applies: PE/Design ROW Incidentals
 ROW Acquisition Construction/CI/CS

Work Type: HWY NEW CONST **County** (If different from Municipality): Rensselaer

Marchiselli Eligible Yes No (Check, if Project Description has changed from last Schedule A):
Project Description: South Troy Industrial Park Road (Phase II), City of Troy

Marchiselli Allocations Approved FOR ALL PHASES *All totals will calculate automatically.*

<i>Check box to indicate change from last Schedule A</i>	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<input type="checkbox"/>	Current SFY	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Authorized Allocations to Date		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

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

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

NYSDOT/State-Local Agreement – Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
1761.30.121	Current	STBG Lg Urban	\$300,000.00	\$240,000.00	\$0.00	\$60,000.00
	Old		\$300,000.00	\$240,000.00	\$0.00	\$60,000.00
1761.30.221	Current	STBG Lg Urban	\$1,269,282.00	\$1,015,426.00	\$0.00	\$253,856.00
	Old		\$29,300.00	\$23,440.00	\$0.00	\$5,860.00
.	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
.	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
.	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
.	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
.	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$1,569,282.00	\$1,255,426.00	\$ 0.00	\$313,856.00

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

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$1,255,426.00	\$ 0.00	\$ 0.00	\$313,856.00	\$1,569,282.00

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

Name: Deborah Lolik
 Phone No: 518-485-9410

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

NYSDOT/State-Local Agreement – Schedule A**Footnotes:** (See [LPB](#)'s website for link to sample footnotes)

This Supplemental Agreement #1 adds the ROW Acquisition phase to the project, \$1,200,000.00 and increases the ROW Incidentals funds to \$69,282.00.

The Master Agreement was for the Detailed Design and ROW Incidentals phases of the project.

At this time the non-federal share of Project costs identified for federal aid funding in this agreement is to be provided entirely by the Municipality. No subsidy or reimbursement of any portion of that local match is provided by New York State's Marchiselli Program or this contract at this time. Furthermore, this Agreement does not assure that any Marchiselli aid for the Project or phase hereunder will be authorized or available in the future. If the Project (and the phase of work) is eligible for State aid under the Marchiselli Program, and such aid is duly requested by the Municipality, NYSDOT may (subject to budgetary requirements) submit an appropriate request for Marchiselli funding authorization by the Legislature. If Legislative authorization for such funding is received, NYSDOT and the Municipality may enter a supplemental agreement providing such Marchiselli aid. Only then would Marchiselli aid be available to the affected Project and phase.

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

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

A1. Preliminary Engineering (“PE”) Phase

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

<u>Phase/Sub-phase/Task</u>	Responsibility: <u>NYSDOT</u> <u>Sponsor</u>	
11. Prepare demolition contracts, utility relocation plans/contracts, and any other plans and/or contract documents required to advance, separate, any portions of the project which may be more appropriately progressed separately and independently.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Compile PS&E package, including all plans, proposals, specifications, estimates, notes, special contract requirements, and any other contract documents necessary to advance the project to construction.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Conduct any required soils and other geological investigations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Obtain utility information, including identifying the locations and types of utilities within the project area, the ownership of these utilities, and prepare utility relocations plans and agreements, including completion of Form HC-140, titled Preliminary Utility Work Agreement.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Determine the need and apply for any required permits, including U.S. Coast Guard, U.S. Army Corps of Engineers, Wetlands (including identification and delineation of wetlands), SPDES, NYSDOT Highway Work Permits, and any permits or other approvals required to comply with local laws, such as zoning ordinances, historic districts, tax assessment and special districts.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Prepare and execute any required agreements, including: <ul style="list-style-type: none"> - Railroad force account - Maintenance agreements for sidewalks, lighting, signals, betterments - Betterment Agreements - Utility Work Agreements for any necessary Utility Relocations of Privately owned Utilities 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Provide overall supervision/oversight of design to assure conformity with Federal and State design standards or conditions, including final approval of PS&E (Contract Bid Documents) by NYSDOT.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A2. Right-of-Way (ROW) Incidentals

<u>Phase/Sub-phase/Task</u>	Responsibility: <u>NYSDOT</u> <u>Sponsor</u>	
1. Prepare ARM or other mapping, showing preliminary taking lines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. ROW mapping and any necessary ROW relocation plans.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Obtain abstracts of title and certify those having an interest in ROW to be acquired.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Secure Appraisals.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Perform Appraisal Review and establish an amount representing just compensation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

B. Right-of-Way (ROW) Acquisition

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

C. Construction, Construction Support (C/S) and Construction Inspection (C/I) Phase

<u>Phase/Sub-phase/Task</u>	<u>Responsibility: NYSDOT</u>	<u>Sponsor</u>
1. Advertise contract lettings and distribute contract documents to prospective bidders.	<input type="checkbox"/>	<input type="checkbox"/>
2. Conduct all contract lettings, including receipt, opening, and analysis of bids, evaluation/certification of bidders, notification of rejected bids/bidders, and awarding of the construction contract(s).	<input type="checkbox"/>	<input type="checkbox"/>
3. Receive and process bid deposits and verify any bidder's insurance and bond coverage that may be required.	<input type="checkbox"/>	<input type="checkbox"/>
4. Compile and submit Contract Award Documentation Package.	<input type="checkbox"/>	<input type="checkbox"/>
5. Review/approve any proposed subcontractors, vendors, or suppliers.	<input type="checkbox"/>	<input type="checkbox"/>
6. Conduct and control all construction activities in accordance with the plans and proposal for the project. Maintain accurate, up-to-date project records and files, including all diaries and logs, to provide a detailed chronology of project construction activities. Procure or provide all materials, supplies and labor for the performance of the work on the project, and insure that the proper materials, equipment, human resources, methods and procedures are used.	<input type="checkbox"/>	<input type="checkbox"/>
7a. For non-NHS or non-State Highway System Projects: Test and accept materials, including review and approval for any requests for substitutions.	<input type="checkbox"/>	<input type="checkbox"/>
7b. For NHS or State Highway System Projects: Inspection and approval of materials such as bituminous concrete, Portland cement concrete, structural steel, concrete structural elements and/or their components to be used in a federal aid project will be performed by, and according to the requirements of NYSDOT. The Municipality/Sponsor shall make or require provision for such materials inspection in any contract or subcontract that includes materials that are subject to inspection and approval in accordance with the applicable NYSDOT design and construction standards associated with the federal aid project.	<input type="checkbox"/>	<input type="checkbox"/>
7c. For projects that fall under both 7a and 7b above, check boxes for each.		
8. Design and/or re-design the project or any portion of the project that may be required because of conditions encountered during construction.	<input type="checkbox"/>	<input type="checkbox"/>
9. Administer construction contract, including the review and approval of all contractor requests for payment, orders-on-contract, force account work, extensions of time, exceptions to the plans and specifications, substitutions or equivalents, and special specifications.	<input type="checkbox"/>	<input type="checkbox"/>
10. Review and approve all shop drawings, fabrication details, and other details of structural work.	<input type="checkbox"/>	<input type="checkbox"/>
11. Administer all construction contract claims, disputes or litigation.	<input type="checkbox"/>	<input type="checkbox"/>

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



Department of
Transportation

RES99
ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

PATRICK S. BARNES, P.E.
Regional Director

September 10, 2020

Mr. Patrick Madden
Mayor, City of Troy
433 River Street
Troy, NY 12180

RE: **PIN 1761.30, D040075 SA#1 and Resolution, South
Troy Industrial Park Road (Phase II), City of Troy**

Dear Mayor:

Enclosed is the proposed Supplemental Agreement #1 and Resolution required for the above subject project. These documents need to be enacted by the City Council for NYSDOT to provide approved Federal funding reimbursements to the City of Troy for work related to the Detailed Design, ROW Incidentals and Acquisitions phases of your project.

Instructions:

- (A) We have provided you with a single copy of the standardized Federal Local Agreement language, relevant Schedule A, and Schedule B. Please **keep** these documents for your records.
- (B) We have provided you with a single copy of a draft resolution. The City Council should complete, enact and certify the resolution. You may redraft your own resolutions, but they must contain all the necessary clauses of the enclosed version. ***Please do not change the wording of the resolution in any way without checking with this office first. Remember the resolution must identify the source of the funding appropriation.*** Please return 3 (three) originals with the required certificates and raised seals. Also, as with the agreement, please keep an additional copy for your records as you will not get a copy of the resolution returned to you.
- (C) Because you are receiving this letter via email, we have provided you with 1 (one) copy of the necessary signature page. Please make 5 (five) copies & return all 5 (five) copies with original signatures, dated and notarized to this office with the above original resolutions. You will get a single original of this page returned to you once the contract is executed by the necessary State officials.

If you have any questions concerning the procedures, please do not hesitate to call me at 518-485-1715.

Sincerely,

Lorenzo DiStefano
Regional Local Program Liaison
Program Development and
Management Group
Region One

LD:ddl
Enclosure

Sponsor: **City of Troy**
 PIN: **1761.30** BIN: _____
 Comptroller's Contract No. **D040075**
 Supplemental Agreement No. **1**
 Date Prepared: **9/10/2020** By: **ddl**
 Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 1 to D040075 (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 Troy (the Sponsor)
 Acting by and through the **Mayor**
 with its office at **433 River Street, Troy, NY 12180**.

This amends the existing Agreement between the parties in the following respects only (check applicable categories):

- 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 **ROW Acquisition** which covers eligible costs incurred on/after / /
 - adding phase _____ which covers eligible costs incurred on/after / /
 - increasing funding for a project phase – ROW Incidentals
 - 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 January 2014 with the Appendix A dated October 2019
- Amends the text of the Agreement as follows (insert text below):

Sponsor: **City of Troy**
PIN: **1761.30** BIN: _____
Comptroller's Contract No. **D040075**
Supplemental Agreement No. **1**
Date Prepared: **9/10/2020** By: **ddl**
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 **Rensselaer**

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

**RESOLUTION OF THE TROY CITY COUNCIL APPOINTING ANDREW COOPER
TO THE TROY COMMUNITY LAND BANK BOARD OF DIRECTORS**

WHEREAS, pursuant to Article 16 of the New York State Not-For-Profit Law, the Troy Community Land Bank was established to assist in community revitalization efforts; and

WHEREAS, the Troy Community Land Bank Board of Directors consists of eleven members, four (4) of whom are appointed by the Mayor; four (4) of whom are appointed by majority vote of all the members of the City Council; two (2) of whom are appointed from the School Districts in the City of Troy, one representative from each; and one (1) of whom is appointed by majority vote of the other members.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby appoints Andrew Cooper, residing at 1608 Park Boulevard, Troy, New York, to the Board of the Troy Community Land Bank as a Director; and

BE IT FURTHER RESOLVED, that such appointment shall be for a term expiring on October 31, 2022.

Approved as to form, _____, 2020

Richard T. Morrissey, Corporation Counsel

**BOND RESOLUTION OF THE CITY OF TROY, NEW YORK,
AUTHORIZING THE ISSUANCE OF \$1,210,416 ADDITIONAL SERIAL
BONDS TO FINANCE THE COST OF THE CONSTRUCTION OF THE
SOUTH TROY INDUSTRIAL ROADWAY.**

WHEREAS, the City Council of the City of Troy, New York (the "City") on April 3, 2014 adopted Bond Resolution #29 of 2014 entitled "BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,100,000 SERIAL BONDS TO FINANCE THE COST OF THE CONSTRUCTION OF THE SOUTH TROY INDUSTRIAL ROADWAY";

WHEREAS, the City Council of the City on January 18, 2017 adopted Bond Resolution #10 of 2017 entitled "BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$4,000,000 ADDITIONAL SERIAL BONDS TO FINANCE THE COST OF THE CONSTRUCTION OF THE SOUTH TROY INDUSTRIAL ROADWAY";

WHEREAS, the City Council of the City on May 7, 2020 adopted Bond Resolution #42 of 2020 entitled "BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,416,280 ADDITIONAL SERIAL BONDS TO FINANCE THE COST OF THE CONSTRUCTION OF THE SOUTH TROY INDUSTRIAL ROADWAY";

WHEREAS, the City Council wishes to (i) authorize the expenditure and appropriation of additional funds in connection with the construction of the South Troy Industrial Roadway; and (ii) authorize the issuance of additional serial bonds of the City to finance such additional appropriation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Troy, New York (the "City") as follows:

Section 1. The City is hereby authorized to undertake the construction of the South Troy Industrial Roadway with a pavement which will be more durable construction than pavement of sand and gravel water-bound macadam or penetration process with single-surface treatment to optimize access and use of commercially developable properties along the City's waterfront, at a maximum cost of \$7,726,696, constituting an increase of \$1,210,416.

Section 2. The plan for financing of such new maximum authorized cost of \$7,726,696 shall be as follows:

- (a) by the issuance of \$1,100,000 Serial Bonds of the City heretofore authorized to be issued pursuant to Bond Resolution #29 of 2014 adopted by the City Council on April 3, 2014;

(b) by the issuance of \$4,000,000 Serial Bonds of the City heretofore authorized to be issued pursuant to Bond Resolution #10 of 2017 adopted by the City Council on January 18, 2017;

(c) by the issuance of \$1,416,280 Serial Bonds of the City heretofore authorized to be issued pursuant to Bond Resolution #42 of 2020 adopted by the City Council on May 7, 2020;

(d) by the issuance of an additional \$1,210,416 serial bonds (the "Bonds") of the City authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years pursuant to paragraph 20(c) of Section 11.00(a) of the Local Finance Law provided, however, that the maximum maturity of the Bonds authorized here shall be computed from the date of issuance of the Bonds or the first bond anticipation note issued in anticipation of the Bonds or the serial bonds or bond anticipation notes authorized pursuant to Bond Resolution #29 of 2014, Bond Resolution #10 of 2017 or Bond Resolution #42 of 2020, whichever date is earlier.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell

bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the City's General Fund. It is intended that the City shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no moneys are reasonably expected to be, received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the City's Comptroller, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the City Council for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the use of electronic bidding, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12, as amended.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the City for such purpose, together with a notice of the Clerk of the City in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a mandatory or permissive referendum.

Section 14. The Council hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. No Bonds, or bond anticipation notes to be issued in anticipation of the Bonds, shall be issued until the Supervisory Board created by Chapter 721 of the Laws of 1994, as amended (the "Act") shall have first reviewed and commented on the issuance of the Bonds and any bond anticipation notes to be issued in anticipation of the Bonds in accordance with the requirements of the Act.

Section 16. The City Council hereby determines that the provisions of the State Environmental Quality Review Act have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 17. This resolution shall take effect immediately upon its adoption.

Approved as to form, _____, 2020.

Richard T. Morrissey, Corporation Counsel

MEMO IN SUPPORT

This bond resolution reflects the increased budget costs in the supplemental agreement between the City and New York State as included within this agenda for \$1,210,416 for the second phase of the South Troy Industrial Park Road. The funding for this project is 80% grant reimbursed and the remaining 20% is the City's share.

**RESOLUTION CONFIRMING THE APPOINTMENT OF ANDREW M. PIOTROWSKI
AS COMPTROLLER OF THE CITY OF TROY**

WHEREAS, the Troy City Charter § C- 41 states that there shall be a City Comptroller who shall be the chief fiscal officer of the City, and who shall be appointed by and serve at the pleasure of the Mayor, subject to confirmation by the City Council; and

WHEREAS, the Mayor of the City of Troy has appointed Deputy Comptroller Andrew M. Piotrowski to the position of City Comptroller; and

WHEREAS, § C-36 of the Troy City Charter states that all appointments by the Mayor shall be made in writing and filed in the office of the Troy City Clerk; and

WHEREAS, the Mayor's appointment of Andrew M. Piotrowski as City Comptroller has been duly made in writing and filed in the office of the Troy City Clerk; and

WHEREAS, the Mayor's appointment of Andrew M. Piotrowski as City Comptroller remains subject to confirmation by the Troy City Council; and

WHEREAS, Andrew M. Piotrowski appears to be eminently well-qualified for the position of City Comptroller, having for all practical purposes acted as Comptroller since June 2016, and possessing both the education and progressively responsible experience required to perform the duties and fulfill the responsibilities of the office of City Comptroller.

NOW, THEREFORE, BE IT RESOLVED, that the Troy City Council does hereby confirm the Mayor's appointment of Andrew M. Piotrowski to the position of City Comptroller.

Approved as to form, _____, 2020

Richard T. Morrissey, Corporation Counsel