Pledge of Allegiance
Roll Call
Good News Agenda
Public Forum
Vacancy List

LOCAL LAWS

ORDINANCES

81. Ordinance Amending The Code Of Troy, Article II Chapter 247 Zoning, Section 247-5-7 “Permits” (Council Member Cummings) (At The Request Of The Administration)

83. Ordinance Transferring Funds Within The 2019 Sewer Fund Budget (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

84. Ordinance Transferring Funds Within The 2019 Water Fund Budget (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

85. Ordinance Amending The 2019 General Fund Budget To Appropriate Additional Funding From The NYS Governor’s Traffic Safety Committee For The Child Passenger Safety Program (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

86. Ordinance Amending The 2019 General Fund Budget To Appropriate Additional Funding From The NYS Governor’s Traffic Safety Committee For Pedestrian/Bicyclist Education And Enforcement (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

87. Ordinance Amending The 2019 General Fund Budget To Appropriate Additional Funding From The NYS Governor’s Traffic Safety Committee For Police Traffic Services (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

88. Ordinance Declaring Certain City Owned Property As Surplus And Directing The Comptroller To Dispose Of Said Property (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

89. Ordinance Amending The Capital Projects Fund Budget (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3
90. Ordinance Amending The 2019 General Fund Budget (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

91. Ordinance Transferring Funds Within The 2019 Garbage Fund Budget (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

92. Ordinance Amending The 2019 General Fund Budget (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

93. Ordinance Amending The Code Of Troy, Chapter 216-7 Frear Park Municipal Golf Fees (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

94. Ordinance Authorizing Settlement Of Claim, To Wit: Nationwide Affinity Insurance Company Of America A/S/O Laurie Scully Plaintiff, V. City Of Troy And Ronald Chaplin, Jr., Defendants (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

95. Ordinance Authorizing Settlement Of Claim, To Wit: Victoria Leigh Brothers V. City Of Troy, New York, Defendant (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

RESOLUTIONS

65. Bond Resolution Of The City Of Troy, New York, Authorizing The Issuance Of $1,925,000 Serial Bonds To Finance The Cost Of Reconstruction Of A Sea Wall (Council President Mantello) (At The Request Of The Administration)

66. Bridge NY Resolution (Council President Mantello) (At The Request Of The Administration)

67. Resolution Adopting The Solid Waste Management Plan, Formerly Known By NYSDEC As Comprehensive Recycling Analysis (Council President Mantello, Council Member Cummings) (At The Request Of The Administration)

68. 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 Therefore (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3

70. Bond Resolution Of The City Of Troy, New York, Authorizing The Issuance Of An Additional $900,000 Serial Bonds To Finance The Cost Of A Pedestrian Connector At Riverfront Park (Council President Mantello) (At The Request Of The Administration) **Pending Finance Meeting, October 3
71. Resolution Appointing Commissioner Of Deeds For The City Of Troy (Council President Mantello) **Pending Finance Meeting, October 3

72. Resolution Authorizing The Requirement Of Contractors And Sub-Contractors On Construction Contracts To Have Approved Apprenticeship Agreements (Council President Mantello, Council Member Bissember) **Pending Finance Meeting, October 3
ORDINANCE AMENDING THE CODE OF TROY, ARTICLE II
CHAPTER 247 ZONING, SECTION 247-5-7 “PERMITS”

BE IT ENACTED, by the City Council of the City of Troy, as follows:

SECTION 1: §C-247-5-7 of the Code of Troy is amended to read as follow with new matter in red:

Article II Private Collection

§ 247-5 Permits.
[Amended 10-2-2003 by L.L. No. 4-2003; 11-29-2018 by Ord. No. 102]
No person, firm or corporation, public or private, shall engage in the business of removing solid wastes of any kind from any building, premises, street or public place in the City, unless he, she or it shall first have applied to and obtained from the City Clerk of the City Commissioner of General Services a solid waste collection permit to do so and shall have agreed to conform to the regulations established by this article and any other rules or regulations that may be promulgated by the Rensselaer County Department of Health or the Department of Public Works General Services of said City concerning the removal of solid wastes. All permits under this section shall expire on the 31st day of December. Said permit shall be nontransferable. A single hauling company, corporation, business or organization need only is required to hold one permit per vehicle every year. A magnetic permit, displaying the permit number and license plate number must be visibly displayed at all times, on the exterior of each transport vehicle travelling within the city limits.

§ 247-6 Applications.
[Amended 11-29-2018 by Ord. No. 102]
Application for such permit shall be upon forms supplied by the City Clerk Commissioner of General Services. At the time of making such application, the applicant must furnish to the City Clerk Commissioner of General Services a schedule of intended pickup days on the various highways, streets and roads within the City, the schedule of rates and charges to be paid by the respective customers, together with a list of vehicles to be used by the applicant and the license numbers thereof and a list of locations, with a contact, to which the material picked up within the City will be brought.

Additionally, the applicant must fill out quarterly volume reports broken down by the type of material picked up. These volume reports will be provided at the time of the application.

§ 247-7 Conditions for issuance of permits.
[Amended 11-29-2018 by Ord. No. 102]
A. For an applicant to be issued a permit for his/her vehicle for the collection and transportation of compost, food waste, garbage, recyclables, rubbish, sewage solids, solid waste, and dead animals within the City, the vehicle shall be enclosed and watertight. For an applicant to be
issued a permit for his/her vehicle for the collection and transportation of all other solid wastes within the City, the vehicle shall be enclosed and provided with a cover to completely cover the solid wastes.

B. A solid waste collection permit shall be accompanied by a fee of between $200-$250 per vehicle, payable to the City of Troy.

PROPOSED AS FOLLOWS:
Submit this form and appropriate tiered payment for your annual hauler permit fee
$200 if you are a small business with only one hauling vehicle
$250 per truck if your business has between 2-10 trucks
$225 per truck if your business has between 11-25 trucks
$200 per truck if your business has over 26 trucks

C. A solid waste collection permit may only be issued after the approval of the application by the Commissioner of General Services.

D. The vehicles used by collectors and the routes of collection shall be subject to inspection and reasonable visitation by the Commissioner or duly accredited and authorized agents of the City.

E. The applicant shall be required to have a copy of the permit within each vehicle operating in the City and be able to confirm there is a payment permit on file with the City Clerk's office Commissioner of General Services.

F. All permit holders will be required to fill out quarterly collection reports and file them with the Commissioner of General Services. These reports include types of materials collected, weight/volume of material collected, and location where the material is disposed of each quarter. If the reports are not filed within 30 days of the end of the prior quarter, the permit will be revoked. The permit can be reinstated if the agency provides the required data. A new permit will not be issued the following year until the agency becomes compliant with data reports.

G. The applicant shall file with his/her application a certificate or affidavit of insurance, executed by representatives of a duly qualified insurance company, evidencing that said insurance company has issued liability and property damage insurance policies covering the following:

All operations of the applicant or any other person, firm or corporation employed by him/her in solid waste collection within the corporate limits of the City.

The disposal of such solid waste to and within the designated and approved treatment and/or disposal facility.

Protecting the public and any person from injuries or damages sustained by reason of carrying on the work of solid waste collection and disposal.

Recommendation per all parties is to include insurance as required per standard language in city-issued contracts as follows:
• Applicants and permittees must carry insurance as outlined below which identifies the City of Troy as an additional named insured. Applicants and permittees shall keep and hold harmless the City, its agents and employees for any and all claims, damages and liability of any kind whatsoever relative to the operations covered by the permit.

• Commercial general liability and contractual liability on an occurrence basis with the following limits of coverage: bodily injury, property damage and personal injury, One Million Dollars ($1,000,000) each occurrence/Two Million Dollars ($2,000,000) general aggregate.

• Professional Liability/Errors & Omissions of at least One Million Dollars ($1,000,000) each occurrence/Two Million Dollars ($2,000,000) aggregate (if applicable).

• Workers compensation insurance as required by law and including employer's liability insurance. Statutory disability benefits insurance as may be required by law.

• Comprehensive Automobile Liability coverage on owned, hired, leased, or non-owned autos with limits not less than One Million Dollars ($1,000,000) combined for each accident because of bodily injury sickness, or disease, sustained by any person, caused by accident, and arising out of the ownership, maintenance or use of any automobile for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobile.

• Commercial umbrella coverage of Five Million Dollars ($5,000,000).

Each policy of insurance required shall be in form and content satisfactory to the City Corporation Counsel, and shall provide that:

• The insurance policies shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the City of Troy Commissioner of General Services.

• The insurance policies shall be automatically renewed upon expiration and continued in force unless the City of Troy Commissioner of General Services is given sixty (60) days written notice to the contrary.

No work shall be commenced under the permit until the applicant has delivered to the Commissioner of General Services proof of issuance of all policies of insurance required by the permit. If at any time, any of said policies shall be or become unsatisfactory to the City, the applicant shall promptly obtain a new policy and submit proof of insurance of the same to the Commissioner of General Services for approval. Upon failure of the applicant to furnish, deliver and maintain such insurance as above provided, this permit may, at the election of the City, be forthwith declared suspended, discontinued or terminated. Failure of the applicant to procure and maintain any required insurance shall not relieve the applicant from any liability under the permit, nor shall the insurance requirements be construed to conflict with the obligations of the applicant concerning indemnification.

H. A permit may be refused or revoked if the applicant shall have been convicted of a misdemeanor or felony which in the judgment of the Commissioner renders the applicant an
unfit or undesirable person or if the applicant shall fail to meet and/or demonstrate the ability to meet the requirements of this article to the satisfaction of the Commissioner, and from such a determination such permit may be refused or revoked by the City Clerk.

Approved as to form, September 19, 2019.

________________________________
James A. Caruso, Corporation Counsel
Troy City Council
Finance Committee
September 2019

Re: Revisions to Article II Private Collection
Chapter 247-5,6,7

Memo in support:

Upon review of the City’s ordinances referring to private collection permits, it became apparent to the Solid Waste Advisory Board, the administration and its legal counsel that there was erroneous information contained in our ordinances.

The recommendations as noted in the attached version of proposed revisions would serve to correct these errors.

As well, the ordinance’s original insurance requirement for haulers provides inadequate coverage and does not adequately mitigate risk and liability exposure to the City. The attached also addresses this concern and offers replacement language herewith.

Respectfully submitted,
Renee K Panetta, Recycling Coordinator
City of Troy
The City of Troy convened in City Council, ordains to amend Ordinance #73 as follows, with new matter underlined:

Section 189 of the Code of the City of Troy is hereby amended to provide and read:

§189-0 Legislative Intent

Polystyrene products, plastic straws, and plastic bags have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs as well as waste costs.

Plastics and other materials synthesized from petroleum and natural gas do not biodegrade. Even with the emergence of bioplastics, which are derived from renewable biomass sources, such as plants and microorganisms, there is no certified type of bioplastic that biodegrades in a marine environment.

The purpose of this Ordinance is to eliminate the use of polystyrene foam food serviceware, to reduce the use of plastic straws, and to support New York State’s ban on plastic bags, while working to decrease the overall waste stream by opting in to the five-cent fee on paper bags provided for under section 27-2805 of the state environmental conservation law.

§189-1 Definitions

A. COVERED STORE shall mean an establishment engaged in the retail sale of personal, consumer, household items including but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, gas stations, hardware and home improvement stores, stationary and office supply stores and food service establishments that provide carryout bags to consumers. Covered stores also include all apparel, clothing and shoe stores, including those in malls;
B. CUSTOMER shall mean any person obtaining goods from a covered store;
C. RETAIL SALES shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sale, farmers’ markets, flea markets and restaurants. The term “retail sales” does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes;
D. FOOD SERVICE ESTABLISHMENT shall mean a place where prepared food is provided for individual portion service directly to a customer whether consumption occurs on or off the premises;
E. SINGLE USE FOOD SERVICE WARE all bowls, plates, cartons, cups, and other containers, trays, or items intended for single use or in which any food service establishment places and/or packages food or provides to customers to do so, or any of which is to be used by customers to consume food. This includes, but is not limited to, service ware used for takeout or leftovers from partially consumed meals prepared for consumption at a specific location;
F. POLYSTYRENE FOAM shall mean any blown polystyrene, expanded, or extruded foams (commonly referred to as Styrofoam) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques including but not limited to: fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded from polystyrene). It shall also include clear or solid polystyrene, known as “oriented polystyrene”;
G. PAPER CARRYOUT BAG shall mean a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property
or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article 28 of the tax law.

H. **RECYCLABLE PAPER BAG** shall mean a paper bag that (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of fifty percent (50%) post-consumer recycled content;

I. **PERSON REQUIRED TO COLLECT TAX** shall mean any vendor of tangible personal property subject to the tax imposed by subdivision (a) of section 1105 of the tax law.

J. **SINGLE-USE PLASTIC STRAW**, a single-use, disposable tube made predominantly of plastic derived from either petroleum or biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage. “Single-use plastic straw” shall not include a straw made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo, or a straw expressly marketed as and intended for reuse;

§189-2 Polystyrene Foam Single-use Service Ware.
A. Food service establishments including franchises are prohibited from using single-use food service ware made of polystyrene foam.
B. Food service establishments with two or less locations may apply with the City of Troy for a one-year non-renewable exemption to the prohibition on using single-use food service ware made of polystyrene foam.
C. The retail sales of single-use food service ware made of polystyrene foam by covered stores including franchises is prohibited.
D. Covered stores with two or less locations may apply with the City of Troy for a one-year non-renewable exemption to the prohibition of the retail sales of single-use food service ware made of polystyrene foam.
E. Food service establishments and covered stores may use or sell their existing inventory of polystyrene foam single-use service ware until the effective date of this act or one year thereafter for those who have received a waiver.
F. The City of Troy will provide those food establishments and covered stores that receive a one-year nonrenewable waiver with signage disclosing that waiver, which must be displayed in a public location.

§189-3 Plastic Straws.
A. Food Service Establishments shall only provide plastic straws upon request to customers.
B. The City of Troy shall issue guidance and educational materials to Food Service Establishments on signage with respect to communicating to customers that they can ask for plastic straws where such establishments provide them upon request.

§189-4 Paper carryout bag reduction fee.
A. On and after March 1, 2020, there shall be a paper carryout bag reduction fee of five cents imposed on each paper carryout bag provided by any person required to collect tax from a customer.
B. Any sales slip, invoice, receipt or other statement of price furnished by a person required to collect tax to a customer shall separately state and make payable the paper carryout bag reduction fee and shall state the number of paper carryout bags provided to the customer.
C. Pursuant to paragraph (c) of subdivision 1 of section 27-2805 of the environmental conservation law, the transfer of a paper carryout bag to a customer by a person required to collect tax shall not constitute a retail sale and the fee imposed on paper carryout bags pursuant to this section shall not constitute a receipt for the sale of tangible personal property.
D. Pursuant to subdivision 4 of section 27-2805 of the environmental conservation law, the paper carryout bag reduction fee shall be reported and paid by a person required to collect tax to the New York state commissioner of taxation and finance, accompanied by a return in the form and containing the information prescribed by such commissioner, on a quarterly basis on or before the twentieth day of the
month following each quarterly period ending on the last day of February, May, August and November, respectively.

E. Exemptions.
   a. Pursuant to subdivision 3 of section 27-2805 of the environmental conservation law, the paper carryout bag reduction fee imposed pursuant to section 189-3 shall not apply to any customer using the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payment for the items purchased.
   b. Pursuant to subparagraph (1) of paragraph (b) of subdivision 6 of section 27-2805 of the environmental conservation law, the exemptions provided for in section 1116 of the tax law, other than the exemptions in paragraphs (1), (2) and (3) of subdivision (a) of such section, shall not apply to the paper carryout bag reduction fee imposed pursuant to this section.

F. A person required to collect a tax shall only provide a recyclable paper bag in the transfer of a paper carryout bag.

§189-5 Penalties. Any Food Service Establishment or Covered Store found to be in violation of the provisions of this Chapter, with the exemption of §189-3 for which the penalties are outlined under section 27-2807 of the state environmental conservation law and are enforced by the New York State Department of Agriculture and Markets and Attorney General, shall be liable for a civil penalty. Such a penalty will be imposed upon the findings of an investigation by the City of Troy following notice of a potential violation. Such a penalty will be payable to the City of Troy pursuant to the following penalty structure:

   A. Any Covered Store or Food Service Establishment found to be in violation of the provisions of this law a first time shall be issued a written warning.
   B. Any Covered Store or Food Service Establishment found to be in violation of the provisions of this law a second time shall be liable for a civil penalty not to exceed $100.00.
   C. Any Covered Store or Food Service Establishment found to be in violation of the provisions of this law a third time shall be liable for a civil penalty not to exceed $250.00.
   D. Any Covered Store or Food Service Establishment found to be in violation of the provisions of this law a fourth time shall be liable for a civil penalty not to exceed $500.00.
   E. For each subsequent violation, daily fines of $100.00 shall be instituted and applied for violations of this Ordinance until compliance is achieved.
   F. All fines collected for violations of the Ordinance shall be used to offset any costs of compliance and oversight of adherence to this Ordinance or to address the costs to the City associated with waste removal and recycling.

§189-6 Reverse Preemption. This Chapter shall be null and void on the day that a county or statewide law is in effect, incorporating either the same or substantially similar provisions as are contained in this Ordinance or in the event that a relevant county, state or federal administrative agency issues and promulgates regulations preempting such action by the City of Troy. The Troy City Council shall determine by resolution whether or not the identical or substantially similar county or statewide law or relevant pre-emptive county, state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

§189-7 Within five days of the enactment of this Ordinance, the General Services Commissioner shall mail a certified copy of this Ordinance by registered or certified mail to the New York State Commissioner of Taxation and Finance and file a certified copy of this Ordinance with the New York State Tax Commission, the City Clerk, the Secretary of State and the New York State Comptroller pursuant to subdivisions (d) and (e) of section 1210 of the tax law.

§189-8 This Ordinance takes effect on March 1, 2020, except that the City of Troy and its employees may take such measures as are necessary for its implementation prior to such effective date.
§ 189-9 The Commissioner of General Services shall submit to the City Council a quarterly update regarding Section 189-5 of this ordinance and the implementation of the ordinance. The quarterly update shall commence on or before May 31, 2020 and continue during the duration of this ordinance. The update shall be submitted within 15 days of each respective quarter. The update shall be posted each quarter on the City of Troy website.

Approved as to form, September 19, 2019

______________________________

James A. Caruso, Corporation Counsel
Memo in Support

The Plastic Free Act was passed at the September Meeting. This ordinance will provide the public and the Council with a quarterly update regarding Section 189-5 of this ordinance and the implementation of the Plastic Free Act.

The quarterly update shall commence on or before May 31, 2020 and continue during the duration of this ordinance. The update shall be submitted within 15 days of each respective quarter.

The update shall be posted each quarter on the City of Troy website.
ORDINANCE TRANSFERRING FUNDS WITHIN THE 2019 SEWER FUND BUDGET

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

Section 1. The City of Troy 2019 budget is herein amended as set forth in Schedule A entitled:

October 2019 Budget Transfers – Sewer Fund

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form September 25, 2019

James A. Caruso, Corporation Counsel
To: Andrew Piotrowski, Deputy Comptroller  
From: Chris Wheland, Superintendent of Public Utilities  
Subject: October Council Transfers  
Date: September 25, 2019

There is one transfer required for Sewer on the October 2019 council meeting.

This transfer is required to allow for payment for the work completed under the emergency declaration for the August 21, 2019 storm event that wreaked havoc on many sewer lines.

If you have other questions please let me know.

Cc: Patrick Madden, Mayor  
    Monica Kurzejeski, Deputy Mayor
# Schedule A

**October 2019 Budget Transfers – Sewer Fund**

<table>
<thead>
<tr>
<th>Department</th>
<th>Account No.</th>
<th>Description</th>
<th>Original Budget</th>
<th>Change (+/-)</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPU Sanitary Sewers</td>
<td>G.8120.0303.0000.0000</td>
<td>Other Material &amp; Supplies</td>
<td>297,262.00</td>
<td>(40,000.00)</td>
<td>257,262.00</td>
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<td>DPU Sanitary Sewers</td>
<td>G.8120.0405.0068.0000</td>
<td>Equipment Rentals</td>
<td>44,000.00</td>
<td>(30,000.00)</td>
<td>14,000.00</td>
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<td>DPU Sanitary Sewers</td>
<td>G.8120.0409.0000.0000</td>
<td>Consultant Services</td>
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<td>(65,000.00)</td>
<td>235,000.00</td>
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<tr>
<td>Interfund Transfers</td>
<td>G.9950.0900.0000.0000</td>
<td>Capital Projects Fund</td>
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<td>(365,000.00)</td>
<td>1,777,863.00</td>
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<td>DPU Sanitary Sewers</td>
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<td>Equipment &amp; Capital Outlay</td>
<td>0.00</td>
<td>500,000.00</td>
<td>500,000.00</td>
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</tbody>
</table>

*Net Impact On Sewer Fund*  

0.00

* Or as previously amended
ORDINANCE TRANSFERRING FUNDS WITHIN THE 2019 WATER FUND BUDGET

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

Section 1. The City of Troy 2019 budget is herein amended as set forth in Schedule A entitled:

October 2019 Budget Transfers – Water Fund

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form September 25, 2019

James A. Caruso, Corporation Counsel
INTER-OFFICE MEMORANDUM

To: Andrew Piotrowski, Deputy Comptroller

From: Chris Wheland, Superintendent of Public Utilities

Subject: October Council Transfers

Date: September 24, 2019

There are many transfers required for the October 2019 council meeting. These are to cover current expenses and in anticipation of future expenditures also while trying to finish 2019 projects and get ready for 2020.

The transfers into Garage are for the purchase of a new welder for the mechanics and repairs to the bulldozer that we own. This piece of equipment has save countless dollars by having it available to use on site and not have to rent a unit.

The transfer to Administration, Meter Equipment is for the purchase of new handheld water meter reading equipment. This equipment is vital to reading water meters and ensuring that water bills are issued timely and accurately. The current equipment is getting old and unreliable. Repair costs to the current equipment are far higher than ordering new equipment. There is also a transfer to allow for payment to Environmental Facilities Corporation (EFC) for fees associated with debt issuance.

Due to the increased water temperature and various materials ordered for the water plant funds are needed to allow for an increase in chemicals for 2019. This is the Material and Supply transfer in Purification.

There was an audit of the water treatment plants chlorine system and emergency plan. A follow up to the audit was the need for an in-depth third party audit and review of the Emergency Response plan. In addition to the audit there is a need to complete an evaluation of the concrete and review alternatives to repair the concrete at the water treatment plant. The plant was constructed over fifty years ago and is in need of concrete restructuring. A plan has been developed to complete an evaluation and determine the next step in keeping the water plant operational for the next fifty years. Plus we are in process of installing security cameras and door alarms at the Water Plant, Melrose Station and Intake structure. This is the reasoning for the increase in Consultant services.

Due to the sludge accumulation in the Lagoons we are working on cleaning them out. In order to complete this project rental equipment is required at both the water plant where the sludge originates and the landfill where the sludge will be reused to fill in voids in the cap of the landfill.

If you have other questions please let me know.

Cc: Patrick Madden, Mayor
    Monica Kurzejeski, Deputy Mayor
# Schedule A

## October 2019 Budget Transfers – Water Fund

<table>
<thead>
<tr>
<th>Department</th>
<th>Account No.</th>
<th>Description</th>
<th>Original Budget*</th>
<th>Change ( + / - )</th>
<th>Revised Budget</th>
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<td>DPU Garage</td>
<td>F.1640.0103.0000.0000</td>
<td>Overtime</td>
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<td>Other Equipment</td>
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<td>(1,500.00)</td>
<td>0.00</td>
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<td>F.1640.0303.0000.0000</td>
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<td>6,500.00</td>
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<td>DPU Garage</td>
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<td>DPU Administration</td>
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<td>Temporary Salaries</td>
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<td>620,000.00</td>
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<td>DPU Pumping</td>
<td>F.8320.0404.0068.0000</td>
<td>Repairs - Equipment</td>
<td>3,500.00</td>
<td>(3,000.00)</td>
<td>500.00</td>
</tr>
<tr>
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<td>Other Material &amp; Supplies</td>
<td>835,062.83</td>
<td>70,000.00</td>
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<tr>
<td>DPU Purification</td>
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<td>Rentals - Equipment</td>
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<td>30,000.00</td>
<td>35,000.00</td>
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<tr>
<td>DPU Purification</td>
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<td>Consultant Services</td>
<td>33,615.00</td>
<td>150,000.00</td>
<td>183,615.00</td>
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<tr>
<td>DPU Purification</td>
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<td>Training</td>
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<td>(4,000.00)</td>
<td>6,000.00</td>
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<td>Temporary Salaries</td>
<td>40,000.00</td>
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<td>20,000.00</td>
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<tr>
<td>DPU Transmission</td>
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<td>Overtime</td>
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<td>(15,000.00)</td>
<td>110,000.00</td>
</tr>
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</table>

### Net Impact On Water Fund

0.00

* Or as previously amended
ORDINANCE AMENDING THE 2019 GENERAL FUND BUDGET TO APPROPRIATE ADDITIONAL FUNDING FROM THE NYS GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR THE CHILD PASSENGER SAFETY PROGRAM

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

Section 1. The City of Troy 2019 General Fund Budget is herein amended as set forth in Schedule A entitled:

Public Safety - Police
Child Passenger Safety Program

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form September 25, 2019

James A. Caruso, Corporation Counsel
MEMO IN SUPPORT

To amend the 2019 Police Budget for the receipt of an additional $1,250.00 to participate in the statewide Child Passenger Safety Program in an effort to increase the proper use and installation of child safety seats in NYS. The grant period for this award is October 1, 2019 through September 30, 2020. Should funding remain unspent, such funds and appropriations of the grant will be re-allocated in the Proposed 2020 City Budget.
## Schedule A
### Public Safety - Police
#### Child Passenger Safety Program

2019 Budget Amendment

<table>
<thead>
<tr>
<th></th>
<th>Original * Budget</th>
<th>Change</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A.3000.3389.0082</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>NYS Governor's Traffic Safety Committee</td>
<td>$1,700.00</td>
<td>$1,250.00</td>
<td>$2,950.00</td>
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<tr>
<td><strong>Total Revenue Increase</strong></td>
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<td>$1,250.00</td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.3120.0303.0082</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Materials and Supplies - Child Passenger Safety Program</td>
<td>$1,700.00</td>
<td>$1,250.00</td>
<td>$2,950.00</td>
</tr>
<tr>
<td><strong>Total Expenditures Increase</strong></td>
<td></td>
<td>$1,250.00</td>
<td></td>
</tr>
</tbody>
</table>

*Or as previously amended*
August 13, 2019

Brian Owens
Captain
Troy City Police Department
55 State Street
Troy, NY 12180-3329

Re: CPS-2020-Troy City PD -00123-(042)
Child Passenger Safety Program
SA00001447
CFDA #: 20.616
EFFECTIVE DATE: October 1, 2019

Dear Captain Brian Owens:

On behalf of the Governor’s Traffic Safety Committee, I am pleased to notify you that the Troy City Police Department has been awarded $1,250 to participate in the statewide “Child Passenger Safety” program. Our goal is to increase the proper use and installation of child safety seats in New York State.

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested. Crucial documents regarding your grant, the claims process, equipment, and other grant related topics can be found by visiting http://safety.ny.gov/currentgrantees.htm.

Thank you for participating in this very important statewide program. I wish you success in your efforts. If you have any questions, please contact the Governor’s Traffic Safety Committee at (518) 474-5111.

Sincerely,

Charles R. DeWeese
Assistant Commissioner

CRD: bp
cc: Selena Skiba
    Salvatore Carello
ORDINANCE AMENDING THE 2019 GENERAL FUND BUDGET TO APPROPRIATE ADDITIONAL FUNDING FROM THE NYS GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR PEDESTRIAN/BICYCLIST EDUCATION AND ENFORCEMENT

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

Section 1. The City of Troy 2019 General Fund Budget is herein amended as set forth in Schedule A entitled:

Public Safety - Police
Pedestrian/Bicyclist Education and Enforcement

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form September 25, 2019

James A. Caruso, Corporation Counsel
MEMO IN SUPPORT

To amend the 2019 Police Budget for the receipt of an additional $6,500.00 to participate in the NYS Highway Safety Program in an effort to reduce the number of crashes, injuries and deaths on NY roads. The grant period for this award is October 1, 2019 through September 30, 2020. Should funding remain unspent, such funds and appropriations of the grant will be re-allocated in the Proposed 2020 City Budget.
## Schedule A
Public Safety - Police
Pedestrian/Bicyclist Education and Enforcement

### 2019 Budget Amendment

<table>
<thead>
<tr>
<th></th>
<th>Original * Budget</th>
<th>Change</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
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<tr>
<td>A.3000.3389.0418</td>
<td>$6,000.00</td>
<td>$6,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>NYS Governor's Traffic Safety Committee</td>
<td>$6,000.00</td>
<td>$6,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td><strong>Total Revenue Increase</strong></td>
<td></td>
<td>$6,500.00</td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.3120.0103.0418</td>
<td>$6,000.00</td>
<td>$6,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>Pedestrian Education &amp; Safety Overtime</td>
<td>$6,000.00</td>
<td>$6,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td><strong>Total Expenditures Increase</strong></td>
<td></td>
<td>$6,500.00</td>
<td></td>
</tr>
</tbody>
</table>

*Or as previously amended*
June 26, 2019

Salvatore Carello
Traffic Sergeant
Troy City Police Department
55 State Street
Troy, NY 12180-3329

Re: HS1-2020-Troy City PD -00130-(042)
Pedestrian/Bicyclist Education and Enforcement
SA000001664
CFDA #: 20.616
EFFECTIVE DATE: October 1, 2019

Dear Traffic Sergeant Salvatore Carello:

On behalf of the Governor’s Traffic Safety Committee, I am pleased to notify you that the Troy City Police Department has been awarded $6,500 to participate in the New York State’s Highway Safety Program. Our goal is to reduce the number of crashes, injuries and deaths on New York's roads.

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested. Grant agreements will be effective only upon final approval by the New York State Office of the State Comptroller. Crucial documents regarding your grant, the claims process, equipment, and other grant related topics can be found by visiting http://safety.ny.gov/currentgrantees.htm.

Thank you for participating in New York State’s Highway Safety Program. I wish you success in your efforts. If you have any questions, please contact the Governor’s Traffic Safety Committee at (518) 474-5111.

Sincerely,

[Signature]

Charles R. DeWeese
Assistant Commissioner

CRD: bp
cc: Selena Skiba
    Brian Ownes
ORDINANCE AMENDING THE 2019 GENERAL FUND BUDGET TO APPROPRIATE ADDITIONAL FUNDING FROM THE NYS GOVERNOR’S TRAFFIC SAFETY COMMITTEE FOR POLICE TRAFFIC SERVICES

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

Section 1. The City of Troy 2019 General Fund Budget is herein amended as set forth in Schedule A entitled:

Public Safety - Police
Police Traffic Services

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form September 25, 2019

James A. Caruso, Corporation Counsel
MEMO IN SUPPORT

To amend the 2019 Police Budget for the receipt of an additional $21,750 to participate in the statewide Police Traffic Services Program with a goal to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes. The grant period for this award is October 1, 2019 through September 30, 2020. Should funding remain unspent, such funds and appropriations of the grant will be re-allocated in the Proposed 2020 City Budget.
# Schedule A
## Public Safety - Police
### Police Traffic Services
#### 2019 Budget Amendment

<table>
<thead>
<tr>
<th></th>
<th>Original * Budget</th>
<th>Change</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.3000.3389.0088</td>
<td></td>
<td></td>
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<tr>
<td>NYS Governor's Traffic Safety Committee</td>
<td>$17,400.00</td>
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<tr>
<td><strong>Total Revenue Increase</strong></td>
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<td></td>
<td>$21,750.00</td>
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<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.3120.0103.0088</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Police Traffic Services Overtime</td>
<td>$16,800.00</td>
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<td>A.3120.0410.0088</td>
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</tr>
<tr>
<td>Police Traffic Services Training</td>
<td>$600.00</td>
<td>$400.00</td>
<td>$1,000.00</td>
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<td>A.3120.0203.0088</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Police Traffic Services Training</td>
<td>$0.00</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td><strong>Total Expenditures Increase</strong></td>
<td></td>
<td></td>
<td>$21,750.00</td>
</tr>
</tbody>
</table>

*Or as previously amended*
July 23, 2019

Brian Owens  
Captain  
Troy City Police Department  
55 State Street  
Troy, NY 12180-3329

Re: PTS-2020-Troy City PD -00232-(042)  
Police Traffic Services  
DMV01-T006503-3700393  
CFDA #: 20.600  
EFFECTIVE DATE: October 1, 2019

Dear Captain Brian Owens:

On behalf of the Governor’s Traffic Safety Committee, I am pleased to notify you that the Troy City Police Department has been awarded a total of $21,750 to participate in the statewide Police Traffic Services Program. Our goal is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes. A breakdown of your grant award amount is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Award Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seat Belt Mobilization Enforcement</td>
<td>$1,950</td>
</tr>
<tr>
<td>Regular PTS Enforcement</td>
<td>$16,900</td>
</tr>
<tr>
<td>Other Than Personal Services</td>
<td>$2,900</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$21,750</strong></td>
</tr>
</tbody>
</table>

Please note, contracts are with the County, City, Town or Village, not your specific agency. The two contracts enclosed must be signed by an authorized representative for the County, City, Town or Village, and notarized, then returned to our office. The contract will only be effective after both contracts have been signed by the County, City, Town or Village, and notarized, then returned to, and signed by, the New York State Governor’s Traffic Safety Committee. Once the contract has been signed by the New York State Governor’s Traffic Safety Committee, one contract will be returned to you for your records.

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested. Crucial documents regarding your grant, the claims process, equipment, and other grant related topics can be found by visiting http://safeny.ny.gov/currentgrantees.htm.

Thank you for participating in this very important statewide enforcement program. I wish you success in your efforts. If you have any questions, please contact the Governor’s Traffic Safety Committee at (518) 474-5111.
The City of Troy, convened in City Council, ordains as follows:

Section 1. Pursuant to §C-41 (B) (8) of the City Charter, the item of City owned property, described in the attached memorandum is herein declared to be surplus and the City Purchasing Agent or a designee, is hereby authorized and directed to sell all said property.

Section 2. The said 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 said 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 September 25, 2019

James A. Caruso, Corporation Counsel
MEMO IN SUPPORT

The City Purchasing Agent, or designee, works with the various City departments to identify and dispose of such no longer useful property on a periodic basis.
September 25, 2019

Andrew Piotrowski  
Comptroller  
City of Troy  
433 River Street  
Troy, NY 12180

Andy,

I recommend that we surplus 124 Scott Model AV-2000 Face Pieces in new condition as we are not allowed to use under industry standards for firefighting as the netting that holds the mask on your head is not flame or heat retardant.

Thank You,

David M. Paul, Assistant Chief  
Troy Fire Department
The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2019 budget is herein amended as set forth in Schedule A entitled:

October 2019 Budget Amendments – 2019 Street Paving

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form September 26, 2019

James A. Caruso, Corporation Counsel
MEMO IN SUPPORT

This ordinance amends the Capital Projects Fund budget for the 2019 Street Paving Program to account for the available remaining funds from the prior year to be used in the 2019 fiscal year.
## Schedule A

**October 2019 Budget Amendments - 2019 Street Paving**

<table>
<thead>
<tr>
<th>Department</th>
<th>Account No.</th>
<th>Description</th>
<th>Original Budget*</th>
<th>Change ( + / - )</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2019 Street Paving</td>
<td>H.5000.3501.0653.0000</td>
<td>State Aid</td>
<td>1,174,676.30</td>
<td>158,033.97</td>
<td>1,332,710.27</td>
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<tr>
<td><strong>Total Capital Projects Fund Budget Revenue Increase</strong></td>
<td></td>
<td></td>
<td>158,033.97</td>
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<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
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<tr>
<td>2019 Street Paving</td>
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<td>Equipment &amp; Capital Outlay</td>
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<td>158,033.97</td>
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<tr>
<td><strong>Total Capital Projects Fund Budget Expenditure Increase</strong></td>
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<tr>
<td>Net Impact On Capital Projects Fund</td>
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* Or as previously amended
ORDINANCE AMENDING THE 2019 GENERAL FUND BUDGET

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

Section 1. The City of Troy 2019 budget is herein amended as set forth in Schedule A entitled:

October 2019 Budget Amendments – General Fund

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form September 26, 2019

James A. Caruso, Corporation Counsel
MEMO IN SUPPORT

This ordinance amends the 2019 General Fund Budget for the following reasons. Please note that the number indicated below references to the name as indicated in the “Reference” column on the Schedule attached hereto.

1. An amendment for monies recovered by the City in zombie property settlements to fund additional work from the City’s legal counsel.

2. A transfer to fund the payment of expenses within the City Clerk’s Office.

3. A transfer within Consultant Services lines in the Corporation Counsel’s Office budget to align with anticipated expenditures.

4. An increase to the Parking Ticket revenue line and offsetting increase in the costs with the company administering the software used to track tickets issued and payments.

5. A transfer from Contingency to fund the payment of a voucher in the Vital Statistics Office.

6. Transfers within DPW Streets to fund repairs to equipment and tree removal within the City.

7. Transfers within Recreation – Parks for tree removal

8. Transfers within Code Enforcement for the purchase of technology equipment within the department.

9. Transfers within the Golf Course budget to fund the repairs to equipment and the purchase of chemicals for the course.

10. Transfers within DPW Facilities to increase the line appropriately for the maintenance agreement with Siemens and purchase of needed supplies

11. A transfer within DPW Traffic for the purchase of supplies.
## Schedule A

**October 2019 Budget Amendments – General Fund**

<table>
<thead>
<tr>
<th>Department</th>
<th>Account No.</th>
<th>Description</th>
<th>Original Budget*</th>
<th>Change (+ / -)</th>
<th>Revised Budget</th>
<th>Reference</th>
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<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home &amp; Community Services</td>
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<td>Zombie Property Recoveries</td>
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<td><strong>Expenditures</strong></td>
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<td></td>
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<td></td>
</tr>
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<td>Corporation Counsel</td>
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<td>Consultant Services - Zombie Properties</td>
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<td>City Council</td>
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<td>Permanent Salaries</td>
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<td>City Council</td>
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<td>Office Supplies</td>
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<td>771.00</td>
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<td>City Clerk</td>
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<td>Maintenance Contracts</td>
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<tr>
<td>Corporation Counsel</td>
<td>A.1420.0409.0003.0000</td>
<td>Bond &amp; Note Expense</td>
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<td>20,000.00</td>
<td>120,000.00</td>
<td>3</td>
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<tr>
<td>Corporation Counsel</td>
<td>A.1420.0409.0026.0000</td>
<td>Litigation Expenses</td>
<td>70,000.00</td>
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<td>30,000.00</td>
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<td>Parking</td>
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<td>Consultant Services</td>
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<td>Parking</td>
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<td>Consultant Services</td>
<td>27,500.00</td>
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<td>Contingency</td>
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<td>Contingency</td>
<td>399,382.69</td>
<td>68,000.00</td>
<td>467,382.69</td>
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<td>Contingency</td>
<td>A.1990.0418.0000.0000</td>
<td>Contingency</td>
<td>399,382.69</td>
<td>(2,844.00)</td>
<td>396,538.69</td>
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<td>Vital Statistics</td>
<td>A.4020.0409.0017.0000</td>
<td>Consultant Services</td>
<td>5,700.00</td>
<td>2,844.00</td>
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<td>5</td>
</tr>
<tr>
<td>DPW Streets</td>
<td>A.5110.0203.0000.0000</td>
<td>Other Equipment</td>
<td>4,000.00</td>
<td>(3,000.00)</td>
<td>1,000.00</td>
<td>6</td>
</tr>
<tr>
<td>DPW Streets</td>
<td>A.5110.0405.0000.0000</td>
<td>Rentals</td>
<td>10,000.00</td>
<td>(10,000.00)</td>
<td>0.00</td>
<td>6</td>
</tr>
<tr>
<td>DPW Streets</td>
<td>A.5110.0304.0056.0000</td>
<td>Vehicle Expense - Gas</td>
<td>64,103.00</td>
<td>(4,000.00)</td>
<td>60,103.00</td>
<td>6</td>
</tr>
<tr>
<td>DPW Streets</td>
<td>A.5110.0101.0000.0000</td>
<td>Permanent Salaries</td>
<td>979,045.00</td>
<td>(15,000.00)</td>
<td>964,045.00</td>
<td>6</td>
</tr>
<tr>
<td>DPW Streets</td>
<td>A.5110.0409.0000.0000</td>
<td>Consultant Services</td>
<td>110,000.00</td>
<td>28,000.00</td>
<td>138,000.00</td>
<td>6</td>
</tr>
<tr>
<td>DPW Streets</td>
<td>A.5110.0404.0068.0000</td>
<td>Repairs - Equipment</td>
<td>0.00</td>
<td>4,000.00</td>
<td>4,000.00</td>
<td>6</td>
</tr>
<tr>
<td>Recreation - Parks</td>
<td>A.7110.0304.0056.0000</td>
<td>Vehicle Expense - Gas</td>
<td>7,000.00</td>
<td>(1,500.00)</td>
<td>5,500.00</td>
<td>7</td>
</tr>
</tbody>
</table>
# Schedule A

**October 2019 Budget Amendments – General Fund**

<table>
<thead>
<tr>
<th>Code Description</th>
<th>Original</th>
<th>Change</th>
<th>Revised</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation - Parks</td>
<td>A.7110.0405.0068.0000</td>
<td>Rentals - Equipment</td>
<td>13,000.00</td>
<td>(5,000.00)</td>
</tr>
<tr>
<td>Recreation - Parks</td>
<td>A.7110.0409.0000.0000</td>
<td>Consultant Services</td>
<td>6,000.00</td>
<td>6,500.00</td>
</tr>
<tr>
<td>Code Enforcement</td>
<td>A.3620.0304.0056.0000</td>
<td>Vehicle Expense - Gas</td>
<td>4,272.00</td>
<td>(1,000.00)</td>
</tr>
<tr>
<td>Code Enforcement</td>
<td>A.3620.0101.0000.0000</td>
<td>Permanent Salaries</td>
<td>649,655.00</td>
<td>(1,500.00)</td>
</tr>
<tr>
<td>Code Enforcement</td>
<td>A.3620.0303.0000.0000</td>
<td>Other Material &amp; Supplies</td>
<td>1,470.00</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Recreation - Golf Course</td>
<td>A.7180.0401.0054.0000</td>
<td>Utilities - Gas &amp; Electric</td>
<td>40,000.00</td>
<td>(2,000.00)</td>
</tr>
<tr>
<td>Recreation - Golf Course</td>
<td>A.7180.0303.2430.0000</td>
<td>Other Material &amp; Supplies - Pro Shop</td>
<td>12,000.00</td>
<td>(4,000.00)</td>
</tr>
<tr>
<td>Recreation - Golf Course</td>
<td>A.7180.0303.2421.0000</td>
<td>Other Material &amp; Supplies - Chemicals</td>
<td>90,000.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>Recreation - Golf Course</td>
<td>A.7180.0404.0068.0000</td>
<td>Repairs - Equipment</td>
<td>18,723.45</td>
<td>4,000.00</td>
</tr>
<tr>
<td>DPW Facilities</td>
<td>A.1620.0304.0056.0000</td>
<td>Vehicle Expense - Gas</td>
<td>10,438.00</td>
<td>(2,000.00)</td>
</tr>
<tr>
<td>DPW Facilities</td>
<td>A.1620.0401.0053.0000</td>
<td>Utilities - Telephone</td>
<td>260,000.00</td>
<td>(15,000.00)</td>
</tr>
<tr>
<td>DPW Facilities</td>
<td>A.1620.0303.0000.0000</td>
<td>Other Material &amp; Supplies</td>
<td>46,500.00</td>
<td>7,000.00</td>
</tr>
<tr>
<td>DPW Facilities</td>
<td>A.1620.0401.0091.0000</td>
<td>Utilities - Siemens</td>
<td>25,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>DPW Traffic</td>
<td>A.3310.0102.0000.0000</td>
<td>Temporary Salaries</td>
<td>25,000.00</td>
<td>(10,000.00)</td>
</tr>
<tr>
<td>DPW Traffic</td>
<td>A.3310.0303.0000.0000</td>
<td>Other Material &amp; Supplies</td>
<td>60,000.00</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

* Or as previously amended
ORDINANCE TRANSFERRING FUNDS WITHIN THE 2019 GARBAGE FUND BUDGET

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

Section 1. The City of Troy 2019 budget is herein amended as set forth in Schedule A entitled:

October 2019 Budget Transfer(s) – Garbage Fund

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form September 26, 2019

James A. Caruso, Corporation Counsel
MEMO IN SUPPORT

Throughout the fiscal year the Comptroller’s Office works with all departments within the City for necessary budget transfers within the Garbage Fund in the 2019 fiscal year. This ordinance transfers funds within the 2019 Garbage Fund Budget for the following reason(s). Please note that the number indicated below references to the name as indicated in the “Reference” column on the Schedule attached hereto.

1. A transfer of $6,500 to fund the purchase of garbage bins.
# Schedule A

## October 2019 Budget Transfer(s) – Garbage Fund

<table>
<thead>
<tr>
<th>Department</th>
<th>Account No.</th>
<th>Description</th>
<th>Original Budget*</th>
<th>Change ( + / - )</th>
<th>Revised Budget</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Pickup</td>
<td>CL.8170.0405.0076.0000</td>
<td>Tipping Fees</td>
<td>205,000.00</td>
<td>(6,500.00)</td>
<td>198,500.00</td>
<td>1</td>
</tr>
<tr>
<td>Municipal Pickup</td>
<td>CL.8170.0303.0000.0000</td>
<td>Other Material &amp; Supplies</td>
<td>0.00</td>
<td>6,500.00</td>
<td>6,500.00</td>
<td>1</td>
</tr>
</tbody>
</table>

**Net Impact On Garbage Fund**

0.00

* Or as previously amended
ORDINANCE AMENDING THE 2019 GENERAL FUND BUDGET

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

Section 1. The City of Troy 2019 budget is herein amended as set forth in Schedule A entitled:

   October 2019 Budget Amendments – Fire Grant

   which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form September 26, 2019

James A. Caruso, Corporation Counsel
MEMO IN SUPPORT

This ordinance amends the 2019 General Fund Budget for the following reasons. Please note that the number indicated below references to the name as indicated in the “Reference” column on the Schedule attached hereto.

1. An amendment for grant monies received as part of the Fire Boat grant for medical supplies with the local portion funded from savings in overtime.
## Schedule A

**October 2019 Budget Amendments – Fire Grant**

<table>
<thead>
<tr>
<th>Department</th>
<th>Account No.</th>
<th>Description</th>
<th>Original Budget*</th>
<th>Change (+ / -)</th>
<th>Revised Budget</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Aid</td>
<td>A.3000.4305.0000.0000</td>
<td>Homeland Security</td>
<td>0.00</td>
<td>31,567.00</td>
<td>31,567.00</td>
<td>1</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Department</td>
<td>A.3410.0103.0000.0000</td>
<td>Overtime</td>
<td>770,000.00</td>
<td>(5,000.00)</td>
<td>765,000.00</td>
<td>1</td>
</tr>
<tr>
<td>Fire Department</td>
<td>A.3410.0303.0000.0000</td>
<td>Other Material &amp; Supplies</td>
<td>140,000.00</td>
<td>36,567.00</td>
<td>176,567.00</td>
<td>1</td>
</tr>
</tbody>
</table>

### Net Impact On General Fund

|                       | 0.00                       |

* Or as previously amended
ORDINANCE AMENDING THE CODE OF TROY, CHAPTER 216-7
FREAR PARK MUNICIPAL GOLF FEES

BE IT ENACTED, by the City Council of the City of Troy, as follows:

SECTION 1: §C-216-7 of the Code of Troy is amended to read as attached with new matter in bold and underlined:

§ 216-7 Frear Park Municipal Golf Course fees.
A. Annual membership:

<table>
<thead>
<tr>
<th></th>
<th>Resident</th>
<th>Nonresident</th>
<th>Nonresident Copay per Round</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single pass</td>
<td>$700</td>
<td>$1000</td>
<td>$3</td>
</tr>
<tr>
<td>Married couple pass</td>
<td>$1000</td>
<td>$1500</td>
<td>$3</td>
</tr>
<tr>
<td>Sr. citizen pass</td>
<td>$500</td>
<td>$700</td>
<td>$3</td>
</tr>
<tr>
<td>Jr. pass</td>
<td>$275</td>
<td>$400</td>
<td></td>
</tr>
</tbody>
</table>

Restriction on all passes: They cannot be used for play in outings and tournaments.

B. Daily fees for 18 holes: *(During the season, specials will be offered to promote play. This includes, but is not limited to, 2-for-1 calendar card specials and fall specials.)*

<table>
<thead>
<tr>
<th></th>
<th>Resident</th>
<th>Nonresident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any time</td>
<td>$20</td>
<td>$28</td>
</tr>
<tr>
<td>Weekday tournament</td>
<td>$27</td>
<td>$24</td>
</tr>
<tr>
<td>Weekend tournaments</td>
<td>$29</td>
<td>$26</td>
</tr>
<tr>
<td>Jr./Sr. Citizen</td>
<td>$15</td>
<td>$20</td>
</tr>
</tbody>
</table>

Restrictions: Weekdays Jr./Sr. resident 18 holes would be restricted to use before 12:00 noon. Weekends Jr./Sr. would be restricted to use after 12:00 noon.

Fall Special Effective 10/1/2019 through 2019 closing

Daily Fee Monday through Friday all categories in section B including Resident and Non-Resident $28.00 includes 18 holes and cart rental

C. Daily fees for nine holes:

<table>
<thead>
<tr>
<th></th>
<th>Resident</th>
<th>Nonresident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any time</td>
<td>$15</td>
<td>$17</td>
</tr>
<tr>
<td>Weekday 9-hole league</td>
<td>$15</td>
<td>$15</td>
</tr>
</tbody>
</table>
Fall Special Effective 10/1/2019 through 2019 closing

Daily Fee Monday through Friday all categories above including Resident and Non Resident
$20.00 includes 9 holes and cart rental.

D.
Other fees:
(2) Eighteen-hole full cart: $34.
(3) Resident ID card: $25.
(6) Nine-hole golf club rental: $10.
(7) Eighteen-hole golf club rental: $12.

SECTION 2: This act will take effect immediately.

Approved as to form October 3, 2019

__________________________________________
James A. Caruso, Esq.
Corporation Counsel
MEMORANDUM OF SUPPORT FOR FALL GOLF SPECIAL AT FREAR PARK

We are bringing forth a change in golf fees for the remainder of the fall to encourage more business in the October and November months of the golf season.

We hope by bringing this special rate we can encourage more golfers over the next two months that can carry momentum into the 2020 golf season. With the $28.00 18 hole special and $20.00 9 hole special we think we can help to drive traffic during a normally slow part of the golf season.

We believe it’s vital to have more and more people coming and playing the course so we can continue to raise our profile. This is a competitive fall rate with the other municipal courses in the area.

Sincerely,

Josh Buell
Frear Park Golf Course
The City of Troy, in City Council, convened, ordains as follows:

Section 1. The above named plaintiff commenced an action in Troy City Court against the City of Troy and Ronald Chaplin, Jr., alleging that a City employee driving a City owned vehicle negligently collided with its insured’s parked automobile causing extensive property damage.

Section 2. The Corporation Counsel is authorized to settle the above litigation in a manner that conforms in all material respects with and in the amount identified in the attached draft of the Release. The Corporation Counsel shall obtain a duly executed Stipulation of Discontinuance and Release in full satisfaction of the claims prior to payment.

Section 3. The Comptroller is authorized and directed to make, issue, and countersign the required drafts as outlined in the Settlement Release, said sums to be payable out of the Judgments and Claims Account.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, October 3, 2019

James A. Caruso, Corporation Counsel
Plaintiff alleges that a City vehicle driven by a City employee struck its insured’s lawfully parked automobile on or about August 6, 2018, at or near 532 2nd Street (south of the intersection of Tyler and 2nd Street), in the City of Troy. A notice of claim was timely served, and on December 14, 2018, the plaintiff commenced this action sounding in negligence in Troy City Court against the City of Troy and the City’s driver Ronald Chaplin, Jr. Plaintiff alleged property damage to its insured’s vehicle and rental charges in the total amount of $3541.16.

Discovery and informal court mediation have concluded in this case. Settlement appears advisable as a practical business decision. There is no substantive defense to the collision with a lawfully parked vehicle. The City driver admitted that he struck the parked car when he veered too close to it in an attempt to avoid entering the bike lane. The pleadings are not defective. If the case goes to a jury, a finding of liability for the full amount of damages claimed seems very likely.

Under the terms of the proposed Release and Stipulation of Discontinuance, this action will be dismissed. In return, the City shall pay plaintiff $1770.58 in full satisfaction of all claims, a 50% discount exactly. There will be no admission of liability or fault on the part of the defendants. Additionally, each party will be responsible for its own costs and attorney’s fees. The case will be discontinued in its entirety with prejudice and the City and its employee will be released from all further liability. The recommendation to settle is strictly a business decision taken in full consideration of the available defenses to the claim and to avoid the potential for a significantly higher award of damages, as well as the expenditures of further litigation and trial. Plaintiff understands that the proposed settlement is conditioned upon approval of both the City Council and the Mayor. If the terms of the settlement are not approved and fully executed, then this case will be returned to the trial calendar.
ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM, TO WIT: VICTORIA LEIGH BROTHERS v. CITY OF TROY, NEW YORK, DEFENDANT

RENSSELAER COUNTY SUPREME COURT INDEX NO. 255157

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

Section 1. The above named plaintiff commenced an action in Rensselaer County Supreme Court seeking recovery against the City of Troy, New York, based upon the serious injuries that she sustained as a result of the claimed negligence of the City of Troy with respect to the former Leonard Hospital site located in the City of Troy.

Section 2. The Mayor of the City of Troy, New York is hereby authorized to settle the above litigation in a manner that conforms in all material respects with and in the amounts identified in the attached Settlement Agreement in full satisfaction of plaintiff’s claim. A signed General Release and Stipulation of Discontinuance has been executed which resolve this matter in its entirety.

Section 3. The Comptroller is authorized and directed to make, issue, and countersign the required draft as outlined in the Settlement Agreement, said sums to be payable out of the City of Troy General Fund.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, October 2, 2019.

James A. Caruso, Esq., Corporation Counsel
MEMORANDUM IN SUPPORT

On July 4, 2016, Victoria Leigh Brothers, a minor, was trespassing in the former Leonard Hospital site owned by the City of Troy when she fell off a roof and was severely injured.

Plaintiff’s lawsuit, seeking to recover damages for her personal injuries based upon the City of Troy’s alleged negligence, was commenced in January of 2017. The City of Troy vigorously defended this litigation and eventually made a Motion for Summary Judgement in its favor dismissing plaintiff’s case. That Motion, however, was denied by the Rensselaer County Supreme Court, but plaintiff’s Cross-Motion for that relief was granted. The City of Troy promptly filed an Appeal of that Decision and Order. On September 17, 2019, a conference, mandated under the Appellate Division’s Civil Appeals Settlement Program (“CASP”), was conducted and, after hours of negotiation, a settlement of this litigation was reached in the a total amount of $1,300,000.00

By the terms of this Settlement Agreement, the City of Troy agreed to pay the balance of its Self-Insured Reserve (“SIR”) in the amount of $317,000.00 as and for its contribution towards the settlement of this matter. The City’s insurance carrier, Argonaut Insurance Company, agreed to pay the sum of $983,000.00 as its contribution towards the subject Settlement Agreement.

John Bailey of the law firm of Bailey, Johnson & Peck, P.C., outside counsel retained Argonaut Insurance Company, has advised that, should this case go to a trial, the City’s liability could be extensive, particularly in light of plaintiff’s permanent injuries and future economic loss. Outside counsel also advised that, notwithstanding the undeniable fact that Plaintiff was trespassing on the date in question and may have been high on marijuana, and that her comparative negligence certainly contributed to this accident and her subsequent injuries, a significantly higher award could be made in favor of the Plaintiff by the trial jury. Thus, a settlement was negotiated, with direct input from the City of Troy, and an agreement was reached with plaintiff.

In light of the above, it is respectfully recommended that the settlement of this lawsuit be made as a strictly practical business decision taken in full consideration of all of the available facts and circumstances of this case, to avoid the costs and expenses of trial counsel and expert witnesses, and to avoid the very real potential for a significantly higher award in favor of plaintiff.
WHEREAS, the City Council of the City of Troy, New York (the “City”) on April 3, 2014 adopted Bond Resolution #31 of 2014 entitled “BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING THE ISSUANCE OF $9,000,000 SERIAL BONDS TO FINANCE THE COST OF RECONSTRUCTION OF A SEA WALL”; and

WHEREAS, the City Council of the City on July 6, 2017 adopted Bond Resolution #61 of 2017 entitled “BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING THE ISSUANCE OF $8,100,000 SERIAL BONDS TO FINANCE THE COST OF RECONSTRUCTION OF A SEA WALL”; and

WHEREAS, the City Council of the City on January 11, 2018 adopted Bond Resolution #25 of 2018 entitled “BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING THE ISSUANCE OF $7,300,000 SERIAL BONDS TO FINANCE THE COST OF RECONSTRUCTION OF A SEA WALL”; and

WHEREAS, the City Council wishes (i) to authorize the expenditure and appropriation of additional funds in connection with the reconstruction of the sea wall; and (ii) to 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 as follows:

Section 1. The City is hereby authorized to undertake the reconstruction of the sea wall along the Hudson River in the City having walls of steel, stone or concrete to prevent the encroachment of or damage from flood or storm waters, at an estimated maximum cost not to exceed $26,325,000, constituting an increase of $1,925,000.

Section 2. The plan for financing such estimated maximum cost of $26,325,000 shall be as follows:

(a) by the issuance of $9,000,000 serial bonds of the City heretofore authorized to be issued pursuant to Bond Resolution #31 of 2014 adopted by the City Council on April 3, 2014; and

(b) by the issuance of $8,100,000 serial bonds of the City heretofore authorized to be issued pursuant to Bond Resolution #61 of 2017 adopted by the City Council on July 6, 2017;
Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years pursuant to paragraph 93 of Section 11.00(a) of the Local Finance Law provided, however, that the maximum maturity of the Bonds authorized herein shall be computed from the date of issuance of the bonds or the first bond anticipation note issued in anticipation of the bonds or serial bonds or the bond anticipation note authorized pursuant to Bond Resolution #31 of 2014, Bond Resolution #61 of 2017 or Bond Resolution #25 of 2018 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 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 City anticipates receiving approximately $14,198,850 of aid funds from the United States for the capital purposes described in Section 1 of this resolution. Any such aid funds shall be applied to pay the principal or interest on the bonds or any bond anticipation notes issued in anticipation of the bonds or to the extent obligations shall not have been issued under this resolution, to reduce the maximum amount to be borrowed for such capital purposes.

Section 11. 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
such obligations are authorized in violation of the provisions of the Constitution.

Section 12. 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 13. 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 14. This resolution is not subject to a mandatory or permissive referendum.

Section 15. 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 16. 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 17. This resolution shall take effect immediately upon its adoption.

Approved as to form, September 19, 2019.

James Caruso
Corporation Counsel
September 12, 2019

To: City Council

Re: Memo of Support – Bond Increase to the Sea Wall Project

The Sea Wall mitigation project is heading toward completion. Due to the unique environment of this project overages in items such as underwater concrete, drilling, caissons and deeper than projected depths of bedrock; have resulted in additional costs to the project. With a typical DOT contract, major and minor items that are additional in the project are subject to renegotiation between the owner and the contractor. These negotiated items have been reviewed and approved through our inspecting engineer and also are included in the increase.

In addition, the project will also include infrastructure and aesthetic improvements that will enhance pedestrian access to the project and help in connecting the project to our park projects and the bike trail. These improvements will include a stone cap, additional sidewalk to delineate the drive lane from the walk lane, additional fencing and a longer section of wall at the north end of the project to provide additional protection to the County Sewer interceptor.
ESTOPPEL NOTICE

The bond resolution, a summary of which is published herewith, has been adopted on the ____ day of September, 2019, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Troy, New York (the “City”), is not authorized to expend money or the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Summary of Bond Resolution

1. **Class of Objects or Purposes** – the reconstruction of the sea wall along the Hudson River in the City having walls of steel, stone or concrete to prevent the encroachment of or damage from flood or storm waters.

2. **Period of Probable Usefulness** – twenty-five (25) years.

3. **Maximum Amount of Obligations to be Issued** – $26,325,000 of which $1,925,000 are to be issued pursuant to the bond resolution summarized herein, $9,000,000 of obligations which were previously authorized to be issued pursuant to Bond Resolution No. 31 of 2014 adopted by the City Council on April 3, 2014, $8,100,000 of obligations which were previously authorized to be issued pursuant to Bond Resolution No. 61 of 2017 adopted by the City Council on July 6, 2017 and $7,300,000 of obligations which were previously authorized to be issued pursuant to Bond Resolution No. 25 of 2018 adopted on January 11, 2018.

The bond resolution herein summarized shall be available for public inspection during normal business hours for twenty (20) days following the date of publication of this notice at the office of the City Clerk at City Hall, 433 River Street, Troy, New York.

Mara Drogan, Clerk, City of Troy
Rensselaer County, New York
BRIDGE NY RESOLUTION

Authorizing the implementation and funding of the costs of 100% of the costs of a transportation project, which may be eligible for federal-aid and/or state-aid, or reimbursement from Bridge NY funds.

WHEREAS, a project for the Bridge NY, BIN 2202290, Campbell Avenue over Wynantskill, City of Troy, P.I.N. 1761.19 (“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 95% Federal funds and 5% non-federal funds; and

WHEREAS, the City of Troy will design, let and construct the Project: and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

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 hereby authorizes the City of Troy to pay 100% of the cost of Design work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of $504,600.00 is hereby appropriated from bond authorization and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that the City Council hereby agrees that the City of Troy shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the City of Troy; and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the City of Troy hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Mayor of the City of Troy be and is hereby authorized to execute on behalf of the City of Troy all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid 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 City of Troy's 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 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, September 19, 2019.

________________________________________
James Caruso
Corporation Counsel
Memo of Support – Legislation for BridgeNY

The City applied for a BridgeNY grant for the Campbell’s Avenue bridge. We were awarded the grant and this is the paperwork required to start the grant process including the design portion.
Federal aid Local Project Agreement

COMPTROLLER'S CONTRACT NO D036372

This Agreement is by and between:

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

and

the City of Troy (the "Municipality/Sponsor") acting by and through Mayor with its office at 433 River Street, Troy, New York 12180.

This Agreement covers eligible costs incurred on or after __/__/____.

This Agreement identifies the party responsible for administration and establishes the method or provision for funding of applicable phases of a Federal aid project for the improvement of a street or highway, not on the State highway system, as such project and phases are more fully described by Schedule A annexed to this Agreement or one or more Supplemental Schedule(s) A to this Agreement as duly executed and approved by the parties hereto. The phases that are potentially the subject of this Agreement, as further enumerated below, are: Preliminary Engineering ("PE") and Right-of-Way Incidental ("ROW Incidentals") work; Right-of-Way Acquisition; Construction; and/or Construction Supervision and Inspection. The Federal aid project shall be identified for the purposes of this Agreement as Bin 2202290 Campbell Avenue over Wynants Kill (as more specifically described in such Schedule A, the "Project").

W I T N E S S E T H:

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

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

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

WHEREAS, funding of the "State share" of projects under the Marchiselli Program is administered through the New York State Office of the Comptroller ("State Comptroller"); and
WHEREAS, Highway Law §80-b authorizes the funding of eligible costs of Federal aid Municipal/Sponsor streets and highway projects using State-aid and Federal aid; and

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

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

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

NOW, THEREFORE, the parties agree as follows:

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

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

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

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

The Municipality/Sponsor understands that funding is contingent upon the Municipality/Sponsor's compliance with the applicable requirements of the "Procedures for Locally Administered Federal Aid Projects” (available through NYSDOT’s web site at [https://www.dot.ny.gov/plafap](https://www.dot.ny.gov/plafap), and as such may be
amended from time to time.

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

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

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

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

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

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

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

4.2.3 Marchiselli Extended Records Retention Requirements.

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

a) Documents evidencing the specific assets financed with such proceeds, including but not limited to project costs, and documents evidencing the use and ownership of the property financed with proceeds of the bonds; and

b) Documents, if any, evidencing the sale or other disposition of the financed property.

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

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

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

(a) the amount stated in Schedule A for the Federal Share; or

(b) the amount stated in Schedule A as the State (Marchiselli) share.

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

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

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

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

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

8. **Municipal/Sponsor Liability.**

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

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

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

   8.4 The Commissioner of Transportation or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Municipality/Sponsor. In the event of such suspension, the Municipality/Sponsor will be given written notice outlining
the particulars of such suspension. Upon issuance of such notice, the Municipality/Sponsor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of Transportation or his or her designee issues a written notice authorizing a resumption of performance under the Contract.

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

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

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

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

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

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

11. **Contract Executory; Required Federal Authorization.** It is understood by and between the parties hereto that this Agreement shall be deemed executory only to the extent of the monies available to the State and no liability on account thereof shall be incurred by the State beyond monies available for the
purposes hereof. No phase of work for the project shall be commenced unless and until NYSDOT receives authorization from the Federal government.

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

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

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

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

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

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

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

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

**New York State Department of Transportation (NYSDOT)**
Name: Lorenzo Distefano PE
Title: RLPL
Address: 50 Wolf Rd, Suite S150, Albany, NY 12232
Telephone Number: 518 485-1715
Facsimile Number: 518 457-4640
E-Mail Address: lorenzo.distefano@dot.ny.gov

**City of Troy**
Name: Ms. Monica Kurzejeski
Title: Deputy Mayor
Address: 433 River Street, Troy, NY 12180
Telephone Number: 518 279-7179
E-Mail Address: Monica.Kurzejeski@troy.ny.gov

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

18. **Electronic Contract Payments.** Municipality/Sponsor shall provide complete and accurate
supporting documentation of eligible local expenditures as required by this Agreement, NYSDOT and
the State Comptroller. Following NYSDOT approval of such supporting documentation, payment for
invoices submitted by the Municipality/Sponsor shall only be rendered electronically unless payment by
paper check is expressly authorized by the Commissioner, in the Commissioner’s sole discretion, due to
extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State
procedures and practices. The contracting local Municipality/Sponsor shall comply with the State
Comptroller’s procedures for all Federal and applicable State Aid to authorize electronic payments.
Authorization forms are available on the State Comptroller’s website at
www.osc.state.ny.us/epay/index.htm or by email at epunit@osc.state.ny.us. When applicable to State
Marchiselli and other State reimbursement by the State Comptroller, registration forms and instructions
can be found at the NYSDOT Electronic Payment Guidelines website.
The Municipality/Sponsor herein acknowledges that it will not receive payment on any invoices submitted under this agreement if it does not comply with the applicable State Comptroller and/or NYS State Comptroller’s electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

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

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

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

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

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

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

MUNICIPALITY/SPONSOR:  
By:______________________________  
Print Name:___________________________  
Title:______________________________

MUNICIPALITY/SPONSOR ATTORNEY:  
By:______________________________  
Print Name:___________________________  
Title:______________________________

STATE OF NEW YORK  )  
COUNTY OF Rensselaer  )

APPROVED FOR NYSDOT:  
By:______________________________  
For Commissioner of Transportation

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL

By:______________________________  
Assistant Attorney General

APPROVED AS TO FORM:  
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

**NYSDOT/ State-Local Agreement - Schedule A for PIN 1761.19**

<table>
<thead>
<tr>
<th>OSC Municipal Contract #:</th>
<th>Contract Start Date:</th>
<th>Contract End Date:</th>
<th>Purpose:</th>
<th>Agreement Type:</th>
</tr>
</thead>
<tbody>
<tr>
<td>D036372</td>
<td>/ / (mm/dd/yyyy)</td>
<td>/ / (mm/dd/yyyy)</td>
<td></td>
<td>Locally Administered</td>
</tr>
</tbody>
</table>

- Municipality/Sponsor (Contract Payee): City of Troy
- Other Municipality/Sponsor (if applicable):

<table>
<thead>
<tr>
<th>Municipality:</th>
<th>% of Cost share</th>
</tr>
</thead>
</table>

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

**Marchiselli Eligible**: Yes  NO

- (Check, if Project Description has changed from last Schedule A): No

**Project Description**: BIN 2202290 Campbell Avenue over Wynants Kill City of Troy, Rensselaer County

#### Marchiselli Allocations Approved FOR ALL PHASES

All totals will calculate automatically.

**Check box to indicate change from last Schedule A**

<table>
<thead>
<tr>
<th>State Fiscal Year(s)</th>
<th>Project Phase</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PE/Design</td>
<td>ROW (RI &amp; RA)</td>
</tr>
<tr>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>$0.00</td>
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</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>PIN Fiscal Share</th>
<th>“Current” or “Old” entry indicator</th>
<th>Federal Funding</th>
<th>Total Costs</th>
<th>FEDERAL Participating Share</th>
<th>STATE MARCHISELLI Match</th>
<th>LOCAL Matching Share</th>
<th>LOCAL DEPOSIT AMOUNT (Required only if State Administered)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>Old</td>
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<td>$0.00</td>
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<td>$0.00</td>
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<tr>
<td>Current</td>
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<td>$0.00</td>
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<tr>
<td>Old</td>
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<td>$0.00</td>
<td>$0.00</td>
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<td>Current</td>
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<tr>
<td>Old</td>
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<td>Current</td>
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<tr>
<td>Old</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>$0.00</td>
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</tbody>
</table>

**TOTAL CURRENT COSTS**: $0.00 $0.00 $0.00 $0.00 $0.00

### OSC Municipal Contract #: D036372

### Municipality/Sponsor (Contract Payee):
- City of Troy

### Work Type:
- BR REHAB

### County (If different from Municipality): Rensselaer
### 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.

<table>
<thead>
<tr>
<th>Other PIN Fiscal Shares</th>
<th>‘Current’ or ‘Old’ entry indicator</th>
<th>Funding Source</th>
<th>TOTAL</th>
<th>Other FEDERAL</th>
<th>Other STATE</th>
<th>Other LOCAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1761.19.121</td>
<td>Current</td>
<td>NHPP</td>
<td>$504,600.00</td>
<td>$479,370.00</td>
<td>$0.00</td>
<td>$25,230.00</td>
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<tr>
<td></td>
<td>Old</td>
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<td>Current</td>
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<td>Current</td>
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<td>$0.00</td>
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<td>Old</td>
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</tbody>
</table>

**TOTAL CURRENT COSTS:**

| $504,600.00 | $479,370.00 | $0.00 | $25,230.00 |

### C. Local Deposit(s) from Section A:

<table>
<thead>
<tr>
<th>Additional Local Deposit(s)</th>
<th>$ 0.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Local Deposit(s)</td>
<td>$ 0.00</td>
</tr>
</tbody>
</table>

### D. Total Project Costs

All totals will calculate automatically.

<table>
<thead>
<tr>
<th>Total FEDERAL Cost</th>
<th>Total STATE MARCHISELLI Cost</th>
<th>Total OTHER STATE Cost</th>
<th>Total LOCAL Cost</th>
<th>Total ALL SOURCES Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$479,370.00</td>
<td>$ 0.00</td>
<td>$ 0.00</td>
<td>$25,230.00</td>
<td>$504,600.00</td>
</tr>
</tbody>
</table>

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

Name: Nicholas Ruzycky
Phone No: 518-485-1869

See Agreement (or Supplemental Agreement Cover) for required contract signatures.
Footnotes:  (See LPB’s website for link to sample footnotes)

This Master Agreement is for the Design Phase of the project. Preliminary Design = $200,000.00, Detailed Design = $304,600.00.

Effective May 2015, per FHWA, we are only able to authorize preliminary design phases I-IV. The agreement however will be for I-VI. This allows for only one agreement and V and VI will be authorized with advanced construction funds. After Design approval and NEPA concurrence, we are able to ask for V and VI. IN SUMMATION: WE NOW HAVE TO GET FEDERAL AUTHORIZATION FOR DETAILED DESIGN SEPARATELY BEFORE INCURRING ANY COSTS. IF COSTS ARE INCURRED THEY WILL NOT BE FEDERALLY ELIGIBLE.

This is a Bridge NY project. Reimbursement for this project is capped at the amount shown above. Funding can be used for any phase of this project.

Projects must begin construction no later than 24 months after award; award is defined as approved State-Local Agreement (SLA) by the NYS Office of the State Comptroller. The Project Sponsor must expeditiously progress their execution of the State-Local Agreement.

Projects must be fully completed within three years of commencing construction; construction is defined as an award to a contractor or commencement of work by municipal forces. Therefore Sponsors are strongly encouraged to have projects substantially complete within two years of commencing construction.

Bridge NY projects are funded with 95% federal aid with the addition of toll credits, as provided for under Title 23 USC 120(i). The remaining 5% of the project cost will be non-federal (i.e., local) match. Any additional funds required to complete the project beyond the award amount are the responsibility of the project sponsor.
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

<table>
<thead>
<tr>
<th>Phase/Sub-phase/Task</th>
<th>Responsibility: NYSDOT</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Scoping: Prepare and distribute all required project reports, including an Expanded Project Proposal (EPP) or Scoping Summary Memorandum (SSM), as appropriate.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3. Smart Growth Attestation (NYSDOT ONLY).</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4. Preliminary Design: 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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6. Obtain aerial photography and photogrammetric mapping.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7. Perform all surveys for mapping and design.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>8. Detailed Design: 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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>9. Perform landscape design (including erosion control).</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Phase/Sub-phase/Task</td>
<td>Responsibility: NYSDOT</td>
<td>Sponsor</td>
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<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>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.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>12. Compile PS&amp;E package, including all plans, proposals, specifications, estimates, notes, special contract requirements, and any other contract documents necessary to advance the project to construction.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>13. Conduct any required soils and other geological investigations.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>16. Prepare and execute any required agreements, including:</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>- Railroad force account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Maintenance agreements for sidewalks, lighting, signals, betterments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Betterment Agreements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Utility Work Agreements for any necessary Utility Relocations of Privately owned Utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Provide overall supervision/oversight of design to assure conformity with Federal and State design standards or conditions, including final approval of PS&amp;E (Contract Bid Documents) by NYSDOT.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

A2. Right-of-Way (ROW) Incidentals

<table>
<thead>
<tr>
<th>Phase/Sub-phase/Task</th>
<th>Responsibility: NYSDOT</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Prepare ARM or other mapping, showing preliminary taking lines.</td>
<td></td>
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<tr>
<td>2. ROW mapping and any necessary ROW relocation plans.</td>
<td></td>
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</tr>
<tr>
<td>3. Obtain abstracts of title and certify those having an interest in ROW to be acquired.</td>
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</tr>
<tr>
<td>5. Perform Appraisal Review and establish an amount representing just compensation.</td>
<td></td>
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</tr>
<tr>
<td>Phase/Sub-phase/Task</td>
<td>Responsibility</td>
<td>Sponsor</td>
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<tr>
<td>-----------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>6. Determination of exemption from public hearing that is otherwise required by the Eminent Domain Procedure Law, including <em>de minimis</em> 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.</td>
<td>NYSDOT</td>
<td>Sponsor</td>
</tr>
<tr>
<td>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.</td>
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</tbody>
</table>

**B. Right-of-Way (ROW) Acquisition**

<table>
<thead>
<tr>
<th>Phase/Sub-phase/Task</th>
<th>Responsibility</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>NYSDOT</td>
<td>Sponsor</td>
</tr>
<tr>
<td>2. Provide required relocation assistance, including payment of moving expenses, replacement supplements, mortgage interest differentials, closing costs, mortgage prepayment fees.</td>
<td></td>
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<tr>
<td>3. Conduct eminent domain proceedings, court and any other legal actions required to acquire properties.</td>
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<tr>
<td>4. Monitor all ROW Acquisition work and activities, including review and processing of payments of property owners.</td>
<td></td>
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</tr>
<tr>
<td>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.</td>
<td></td>
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</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
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</tbody>
</table>
### C. Construction, Construction Support (C/S) and Construction Inspection (C/I) Phase

<table>
<thead>
<tr>
<th>Phase/Sub-phase/Task</th>
<th>Responsibility: NYSDOT</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Advertise contract lettings and distribute contract documents to prospective bidders.</td>
<td></td>
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<tr>
<td>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).</td>
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<tr>
<td>3. Receive and process bid deposits and verify any bidder’s insurance and bond coverage that may be required.</td>
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<tr>
<td>5. Review/approve any proposed subcontractors, vendors, or suppliers.</td>
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<tr>
<td>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.</td>
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<tr>
<td>7a. For non-NHS or non-State Highway System Projects: Test and accept materials, including review and approval for any requests for substitutions.</td>
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<tr>
<td>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.</td>
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<tr>
<td>7c. For projects that fall under both 7a and 7b above, check boxes for each.</td>
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<tr>
<td>8. Design and/or re-design the project or any portion of the project that may be required because of conditions encountered during construction.</td>
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<tr>
<td>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.</td>
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<tr>
<td>10. Review and approve all shop drawings, fabrication details, and other details of structural work.</td>
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<tr>
<td>11. Administer all construction contract claims, disputes or litigation.</td>
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<tr>
<td>Phase/Sub-phase/Task</td>
<td>Responsibility:</td>
<td>Sponsor</td>
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<tr>
<td>12. Perform final inspection of the complete work to determine and verify final</td>
<td>NYSDOT</td>
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<td>quantities, prices, and compliance with plans specifications, and such other</td>
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<td>construction engineering supervision and inspection work necessary to conform to</td>
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<td>Municipal, State and FHWA requirements, including the final acceptance of the</td>
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<td>project by NYSDOT.</td>
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<tr>
<td>13. Pursuant to Federal Regulation 49 CFR 18.42(e)(1) The awarding agency and the</td>
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<td>Comptroller General of the United States, or any of their authorized</td>
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<td>representatives, shall have the right of access to any pertinent books,</td>
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<td>documents, papers, or other records of grantees and subgrantees which are</td>
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<td>pertinent to the grant, in order to make audits, examinations, excerpts, and</td>
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<tr>
<td>transcripts.</td>
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</tbody>
</table>
July 16, 2019

Ms. Monica Kurzejeski  
City of Troy  
Deputy Mayor  
433 River Street  
Troy, NY 12180  

RE: Master Agreement and Resolution for PIN 1761.19, D036372, BRIDGE NY, BIN 2202290, Campbell Avenue over Wynantskill, City of Troy, Rensselaer County

Dear Ms. Kurzejeski,

Enclosed is the proposed Master Agreement and Resolution required for the above subject project. These documents need to be enacted by the City Council in order for NYSDOT to provide approved State funding reimbursements to the City of Troy for work to be accomplished on this Bridge NY project. The funds for this are Bridge NY, and are reimbursable at 95% Federal Funds and 5% Local Funds (as shown on Schedule A). Any funds over the capped amount are the responsibility of the Sponsor.

As noted in the project Resolution, the City of Troy hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months.

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 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. 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 via email, we have provided you with 1 (one) copy of the necessary signature page. Please print 5 (five) copies, sign & return all 5 (five) original signature pages to this office with the above 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 call me at 518-485-1715.

Sincerely,

[Signature]

Lorenzo DiStefano, P.E.
Regional Local Project Liaison
Program Development and Management
Region One

LD: nr
Enclosure
APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

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

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

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds $50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds $10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed $85,000 (State Finance Law Section 163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim status. 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 (2NYCRR 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 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 section. 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
Albany, New York 12245
Telephone: 518-292-5100
Fax: 518-292-5884
email: opa@esd.ny.gov

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
New York, NY 10017
212-803-2414
tel: mwbecertification@esd.ny.gov
https://ny.newnycuntracs.com/FrontEnd/VendorSearchPublic.asp

The Omnibus Procurement Act of 1992 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) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 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 Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 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 Section 5-a, if the contractor fails to make the certification required by Tax Law Section 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: 
http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf

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.
APPENDIX A-1 SUPPLEMENTAL TITLE VI PROVISIONS (CIVIL RIGHTS ACT)
(To be included in all contracts)

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

(1) **Compliance with Regulations**: The contractor shall comply with the Regulation relative to nondiscrimination in Federally assisted programs of the Department of Transportation of the United States, Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination**: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, religion, age, color, sex or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment**: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the subcontractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.

(4) **Information and Reports**: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by NYSDOT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to NYSDOT's Office of Civil Rights or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance**: In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, NYSDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions**: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.
The contractor shall take such action with respect to any subcontractor procurement as NYSDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request NYSDOT to enter into such litigation to protect the interests of NYSDOT, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
APPENDIX B
REQUIREMENTS FOR FEDERALLY-AIDED TRANSPORTATION PROJECTS
(June 2016)

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

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

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

NON DISCRIMINATION/EEO/DBE REQUIREMENTS

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

1. NON DISCRIMINATION. No person shall, on the ground of race, color, creed, national origin, sex, age or handicap, be excluded from participation in, or denied the benefits of, or be subject to, discrimination under the Project funded through this Agreement.

2. EQUAL EMPLOYMENT OPPORTUNITY. In connection with the execution of this Agreement, the Municipality/Sponsors contractors or subcontractors shall not discriminate against any employee or applicant for employment because of race, religion, age, color, sex or national origin. Such contractors shall take affirmative actions to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, national origin or age. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
3. **DISADVANTAGED BUSINESS ENTERPRISES**. In connection with the performance of this Agreement, the Municipality/Sponsor shall cause its contractors to cooperate with the State in meeting its commitments and goals with regard to the utilization of Disadvantaged Business Enterprises (DBEs) and will use its best efforts to ensure that DBEs will have opportunity to compete for subcontract work under this Agreement. Also, in this connection the Municipality or Municipality/Sponsor shall cause its contractors to undertake such actions as may be necessary to comply with 49 CFR Part 26.

As a sub-recipient under 49 CFR Part 26.13, the Municipality/Sponsor hereby makes the following assurance.

The Municipality/Sponsor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any United States Department of Transportation (USDOT)-assisted contract or in the administration of its Disadvantaged Business Enterprise (DBE) program or the requirements of 49 CFR Part 26. The Municipality/Sponsor shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of the United States Department of Transportation-assisted contracts. The New York State Department of Transportation’s DBE program, as required by 49 CFR Part 26 and as approved by the United States Department of Transportation, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

**FEDERAL SINGLE AUDIT REQUIREMENTS**

Non-Federal entities that expend $750,000 or more in a year in Federal awards from all sources are required to comply with the Federal Single Audit Act provisions contained in U.S. Office of Management and Budget (OMB) Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations. Non-Federal entities that expend Federal awards from a single source may provide a program specific audit, as defined in the Circular. Non-Federal entities that expend less than the amount above in a year in Federal awards from all sources are exempt from Federal audit requirements for that year, except as noted in Sec. 215 (a) of OMB Circular A-133 Subpart B--Audits, records must be available for review or audit by appropriate officials of the cognizant Federal agency¹ the New York State Department of Transportation, the New York State Comptrollers Office and the U.S. Governmental Accountability Office (GAO).

Non-Federal entities are required to submit a copy of all audits, as described above, within 30 days of issuance of audit report, but no later than 9 months after the end of the entity’s fiscal year, to the New York State Department of Transportation, Contract Audit Bureau, 50 Wolf Road, Albany, NY 12232. Unless a time extension has been granted by the cognizant Federal Agency and has been filed with the New York State Department of Transportation’s Contract Audit Bureau, failure to comply with the requirements of OMB Circular A-133 may result in suspension or termination of Federal award payments.

¹ The designated cognizant agency for audit shall be the federal awarding agency that provides the predominant amount of direct funding to a recipient unless OMB changes it.
THE CATALOG OF FEDERAL DOMESTIC ASSISTANCE

The Catalog of Federal Domestic Assistance (CFDA\(^2\)), is an on-line database of all Federally-aided programs available to State and local governments (including the District of Columbia); Federally recognized Indian tribal governments; Territories (and possessions) of the United States; domestic public, quasi-public, and private profit and nonprofit organizations and institutions; specialized groups; and individuals.

THE CFDA IDENTIFICATION NUMBER

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

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

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

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

PROMPT PAYMENT MECHANISMS

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

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

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

1. You may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.
2. You may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by

\(^2\) [http://www.cfda.gov/](http://www.cfda.gov/)
prime contractor to the subcontractor within 7 calendar days after the subcontractor's work is satisfactorily completed.

(3) You may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 7 calendar days after your payment to the prime contractor.

(c) For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

(d) Your DBE program must provide appropriate means to enforce the requirements of this section. These means may include appropriate penalties for failure to comply, the terms and conditions of which you set. Your program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval.

(e) You may also establish, as part of your DBE program, any of the following additional mechanisms to ensure prompt payment:

(1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.

(2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

(3) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

CARGO PREFERENCE ACT REQUIREMENTS – U.S. FLAG VESSELS

In accordance with 46 CFR 381, the contractor agrees:

(a) To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

(b) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b) (1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

(c) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.
RESOLUTION ADOPTING THE SOLID WASTE MANAGEMENT PLAN, FORMALLY KNOWN BY NYSDEC AS COMPREHENSIVE RECYCLING ANALYSIS

WHEREAS, during the autumn of 2018, neighborhood meetings were held to review the plan and to solicit additional goals and actions for submission of draft plan; and

WHEREAS, in November 2018, the City’s Department of Public Works had completed a draft version of a proposed comprehensive plan and provided a copy thereof to the NYSDEC; and in September of 2019 a final version was remitted to NYSDEC and awaiting formal approval; and

WHEREAS, the Comprehensive Recycling Analysis has been prepared in accordance with New York State Department of Environmental Conservation law and provides a guide to solid waste and recycling materials decisions, the adoption of municipal regulations and the investment of public funds; and

WHEREAS, by virtue of the aforementioned meetings, and semi-monthly meetings between April and September 2019 of the Solid Waste Advisory Board, comprised of residents from all districts, all interested individuals, organizations and agencies were afforded an opportunity to be heard and comment upon the draft-to-final solid waste plan; and

WHEREAS, the solid waste plan sets forth the goals, principals, policies and standards upon which proposals for the immediate and long-range diversion and beneficial use of materials and decrease of solid waste volume generated by the city are based; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the accompanying CRA and with respect to its adoption of the Comprehensive Recycling Analysis having concluded, based upon the information contained in the CRA and all other information contained in the record before the City Council, that adoption of the Comprehensive Recycling Analysis will not have any significant adverse impact on the environment, and will in fact benefit the city, its residents and businesses.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the Comprehensive Recycling Analysis.

BE IT FURTHER RESOLVED that the City Council hereby directs that a copy of the Comprehensive Recycling Analysis shall be filed with the Office of the City Clerk.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

Approved as to form, September 19, 2019.

______________________________
James Caruso
Corporation Counsel
Troy City Council
Finance Committee
September 2019

Re: Comprehensive Recycling Plan (aka Solid Waste Management Plan)

Memo in support:

In November 2018, the City’s Department of Public Works had completed a draft version of a proposed comprehensive plan and provided a copy thereof to the NYSDEC. This month, a final version was remitted to NYSDEC and awaiting formal approval.

This plan has been prepared in accordance with New York State Department of Environmental Conservation law and provides a guide to solid waste and recycling materials decisions, the adoption of municipal regulations and the investment of public funds with regard to commodities management.

The plan also sets forth the goals, principals, policies and standards upon which proposals for the immediate and long-range diversion and beneficial use of materials and decrease of solid waste volume generated by the city are based.

Respectfully submitted,
Renee K Panetta, Recycling Coordinator
City of Troy
City of Troy, NY

-FINAL-

Comprehensive Recycling Analysis

2019 – 2028
September 2018

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May 2019
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2018: Francis Bossolini, Kevin Carpenter, John Cubit, Marie Gavazzi, Richard Kiernan, Robert Miller, and Kim Tateo
2019: Francis Bossolini, Adrian Cattell, John Cubit, Laura Cullen, Marie Gavazzi, Kit Haynes, Kaelan Hoppe, Drea Leanza, Brent McDonough, Robert Miller, Emilly Obuya and Kim Tateo

Acknowledgements

Patrick Madden: Mayor
Monica Kurzejeski: Deputy Mayor

John Salka: Deputy Director of Public Information
Jeff Agars: Department of Public Works Supervisor
Sean Hooley: Equipment Repair Supervisor
Executive Summary

City of Troy Comprehensive Recycling Analysis Plan (previously known to the public as Troy’s Solid Waste Management Plan) – 2019-2028

This Plan, covering the period of 2019-2028 is being submitted pursuant to Troy City Code Chapter 247-8 [G] (See Appendix 12). Passed in 2017, the code change calls for the development and approval of a “Comprehensive Solid Waste Plan” by December 31, 2018. New York Department of Environmental Conservation (NYSDEC) has guidelines and requirements for municipalities with regards to solid waste planning. NYSDEC uses the terminology Local Solid Waste Management Plan (LSWMP) to describe plans that guide municipal solid waste practices in accordance with State Law. NYSDEC LSWMPs encompass a decade-long planning period. This document adheres to that guideline with a ten year plan for future solid waste activities. NYSDEC has articulated guidelines for planning units on ten year solid waste management practices. These guidelines were followed, within limitations, for this plan. This plan covers the solid waste management period from January 1, 2019 through December 31, 2028. The jurisdiction of this plan is restricted to the City of Troy, New York.

This Comprehensive Recycling Analysis is being developed in support of the City’s ongoing efforts to provide economically- and environmentally-sustainable solid waste services to the city’s residents, businesses and organizations in the near and long term. The City will submit this plan to the NYSDEC as a Comprehensive Recycling Analysis (CRA) in order to become compliant with state law. The plan is named as such because at this time the City does not have a planning unit it is associated with and has never had a solid waste management plan. This will be the first plan and will be the CRA. The plan additionally finds that if the City becomes part of a regional entity, in adherence to NYSDEC recommendations, solid waste management will become easier. In a regional entity planning and management will be in accordance with NYS Law. The residents, businesses, industries and institutions in the City of Troy produce thousands of tons of solid waste annually. The question of how to reduce waste generation and increase reuse and recycling gives rise to the need for a plan such as this one.

The purpose of this plan is to 1) serve as a citywide framework for the coordination of solid waste management; 2) establish solid waste goals and methods for monitoring the progress towards these goals; and 3) satisfy both the NYSDEC legal requirements for a municipality with regards to solid waste planning and comprehensive recycling analysis and the recently-approved City of Troy requirement to develop and implement a “Comprehensive Solid Waste Plan” before the end of 2018.

1 6 NYCRR Part 366
Current Solid Waste Programs

The City’s current solid waste program operates out of the Department of Public Works Garage in Troy’s North Central neighborhood with a secondary location for material management at “The Alamo” facility located adjacent to the Rensselaer County Jail in South Troy. The City uses The Alamo site as an adjunct to handle its solid waste stream, excluding municipal solid waste (MSW) or single stream recycling (SSR). All MSW and SSR is collected by the City and brought directly to a transfer station located off Route 4/Burden Avenue in South Troy, leased and operated by County Waste. All non-SSR recyclable materials are brought to “The Alamo” by the City, including found electronic waste, found household hazardous waste (HHW), yard waste, scrap metal, and bulk material. The City hosts a free annual collection event – which accepts HHW, Electronic Waste and confidential paper shredding – at “The Alamo” for a limited number of residents advertised through a City press release.

This plan also highlights the need for the City to acknowledge and address the significant & ongoing changes in international recycling markets. Shifts within the industry are effecting communities not only in the Capital District, but across the northeast region and nationwide. It is important to understand that these changes are new and unforeseen. Municipalities will be forced to completely overhaul their solid waste master plans in response. The City of Troy is well-positioned to prepare for these changes. Development of the City’s SWMP during this period of market upheaval puts our community one step ahead of other municipalities in the state.

During the period in which this plan was being developed, the single stream recycling (SSR) system began encountering significant market limitations. Long-established overseas markets for recyclable materials have either become severely limited or no longer available due to recently-enacted stricter contamination standards. Each municipality is experiencing the trickle-down effect of these market changes in different ways. Although the City of Troy currently appears to be insulated from a dramatic elimination of recycling or cost increases it does not mean they could not occur in the future. These changes will impact every municipality, but each community will be affected differently. The City’s Solid Waste Advisory Board utilized the changes within the global recycling market as an opportunity to make positive recommendations that account for the drastic changes that occurred in 2018 and establish a stronger municipal solid waste management system for the future.

Goals and Objectives – Comprehensive Recycling Analysis – 2019-2028

at Rensselaer Polytechnic Institute – the City of Troy approved the implementation of a solid waste management fee.

The legislation removed the cost of solid waste from the general tax bill and established a separate fee to cover the costs of municipal waste collection services. Funding the cost of this service outside of the general taxes is recommended in the 2000 and 2012 reports to the City, by the US EPA and NYSDEC, and serves as a stepping stone towards the recommendation of a pay-as-you throw system (PAYT) of municipal solid waste management.

Concurrently, the updated law requires the City to develop a Solid Waste Master Plan prior to the end of 2018 (draft-plan of which was submitted in the fall of 2018). This plan will serve to guide the City in their efforts to increase recycling, decrease waste output, and to manage costs incurred by the municipality.

The City utilized established NYSDEC guidelines which assist municipalities in developing waste management plans and comprehensive recycling analysis. Although the requirements established under the recently-enacted local law requires the City to finish and implement the plan before the end of 2018, the plan provides a guide that can be used to achieve compliance successfully in the short- and long-term. NYSDEC requires annual updates on the CRA – with the first update scheduled for 2020 – at which time any items NYSDEC deems necessary for inclusion will be updated.

With the publication of “Beyond Waste – A Sustainable Materials Management Strategy for New York State”\(^2\), New York State renewed its commitment to work aggressively to reduce the amount of waste destined for disposal. This publication marked a change in guidance from NYSDEC, as they put it “…a shift from focusing on ‘end-of-pipe’ waste management techniques to looking ‘upstream’ and more comprehensively at how materials that would otherwise become waste can be more sustainability managed through the state’s economy”. The City of Troy’s SWMP takes this state-issued guidance into account and looks to establish many upstream fixes and improvements while also accounting for any downstream backup.

By taking into account the immediate needs of the City of Troy through a comprehensive solid waste guide combined with New York State’s “Beyond Waste” approach and the updated NYSDEC guidelines on writing CRA’s, the City has identified seven objectives in this plan (an implementation strategy to achieve these objectives is outlined in Section 6). The objectives line up with the City’s goals for waste reduction, reuse and recycling and creation of a financially and environmentally sustainable solid waste management strategy. They are as follows:

Objective 1: Establish a Recycling Center

The City should utilize current assets and facilities to create a recycling drop-off center that is open to the public that allows material to be sorted into a variety of reuse and recycling options.

Objective 2: Provide guidance for diversion/gleaning of Consumable Foods and operate a Mulch and Compost Facility

The City should work with local organizations and agencies to develop a food gleaning program to divert consumable foods for human consumption. As well, they should create a composting program to process food waste internally within NYSDEC registration volumes. The purpose of a food gleaning program would be to provide viable food to those facing food insecurity while simultaneously reducing the amount of food being composted or landfilled.

A mulch and compost facility will be to handle all yard waste generated by the City and a portion of the municipality’s organic waste.

Objective 3: Develop a plan for a Reuse Center

The City should explore options for establishing a reuse center in Troy, and should partner with existing organizations to temporarily increase reuse options prior to further exploration of establishing full scale reuse center.

Objective 4: Establish Clear Waste Collection Procedures & Increase Collection Participation

The City should enact incentive-based pricing and update the City Code to reflect actual disposal costs to the City. These changes will provide a clear process for how each type of material can be reused, recycled or disposed of. Violations should be structured to incentivize compliance from chronic violators. The City should establish a separate sanitation budget fund that is funded through a PAYT disposal system to clarify and properly allocate the expenses of waste costs, ensure the sanitation bureau is properly funded and create a fair pricing structure.

Objective 5: Increase Education and Outreach

The City should maintain the recycling coordinator position to ensure continued compliance with state and local regulations, and increase education opportunities and promote public outreach in regards to solid waste and recycling. The City should create an online clearinghouse, updated regularly, of all recycling and reuse services available to the community. The City should offer additional public
recycling and reuse events for the community in order to increase proper disposal and education opportunities.

**Objective 6: Increase Accurate Data Collection and Reporting**

The City should adjust hauler-permit laws to collect more data about the waste generated in the City. This data will help populate annual waste reports and identify trends within the City’s municipal solid waste and recycling stream, useful information which can be utilized to improve collection services and development of future policies and procedures. In addition, the City should establish a permanent Solid Waste Advisory Committee to advise the City on use of data and reports to implement this plan and assist in NYSDEC annual updates and development of the next CRA in 2029.

**Objective 7: Create Deconstruction Permitting and Education**

The City should create a permit outlining deconstruction options. The program should structure permit costs to incentivize deconstruction instead of demolition. The City should also increase home & property owner education about deconstruction versus demolition.

These objectives are set forth to make the public aware of the City’s solid waste options and costs in order to reduce solid waste at the source, enhance reuse and recycling of materials generated by the City, and establish the groundwork for the City’s next CRA. While some of these objectives are ambitious, each will be financially and environmentally sustainable for the City of Troy in the short- and long-term.
Section 1 – Description of Municipality

1.1 SIZE AND GEOGRAPHIC LOCATION

The City of Troy is a small municipality located in the Capital Region of Upstate New York State. It is approximately 11 square miles. Troy is the largest city located within Rensselaer County by size and population. The Hudson River marks the western boundary of the City. Route 7 (Hoosick Street), which bisects Troy from East to West, is the main route into Vermont and New Hampshire for most of New York State and is the entrance to Vermont for the southern and western United States.

1.2 POPULATION

The US Census Bureau 2010 population for the City of Troy is 50,129. This is an increase of 1.83% from the 2000 census which put the population at 49,229. The Owner-occupied housing unit rate from 2012-2016 was 37.6%, implying a high number of renters. The City’s median income in 2016 dollars from 2012-2016 was $39,847 and the people in poverty percentage was 25.5%.

1.3 NEIGHBORING MUNICIPALITIES

The City of Troy is located near several municipalities including: the City of Albany, Town of Colonie, City of Schenectady, City of Saratoga Springs and City of Pittsfield, MA. The immediate neighboring municipalities on the western bank of the Hudson River include: the Village of Waterford, City of Cohoes, Village of Green Island, City of Watervliet and the Village of Menands, listed from north to south. The immediate neighboring municipalities to the east include: the Town of Schaghticoke, Town of Brunswick, Village of Wynantskill, and the Town of North Greenbush, from north to south.

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1.4 **City Neighborhood**

The City of Troy is divided into nine major neighborhoods. There are several smaller neighborhoods located within these larger divisions. However, the nine provide a clean geographic outline of Troy for solid waste management purposes. These neighborhoods do not follow the political voting districts of the City, of which there are six. The neighborhoods are listed from north to south as follows: Lansingburgh, Frear Park, North Central, Downtown, Hillside, Sycaway, South Central, Eastside and South Troy. Each neighborhood has its own unique identity, coupled with nuanced differences and problems related to the delivery of solid waste and recycling services. Troy is broken up into solid waste collection zones, each having its own day of the week for service. These collection zones do not follow the neighborhood boundaries. There is no current public map of these collection zones.

The City does not have any data on the breakdown of waste generated by individual neighborhoods or data from private haulers. Only citywide data on material collected by the City’s municipal collection is available at this time. Data limitations are discussed at length in Section 2.

1.5 **Institutions of Note**

The City of Troy has many prominent organizations, for-profit businesses, non-profit businesses and institutions. The institutions that most contribute to the waste stream are Rensselaer Polytechnic Institute, Russell Sage College, Hudson Valley Community College, Samaritan Hospital, and St. Mary’s Hospital. All of these institutions privately manage their own solid waste. The City has no collected data from these institutions related to their solid waste management or disposal processes. A solution for this problem is given in Section 5.11 Hauler Licensing. As well, the city plans to survey these large-scale generators as well as others.

The City has three major parks, two memorial parks and 18 neighborhood parks. Of the three major parks one is a municipal golf course operated by the City. The City also

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4 Map of Troy Neighborhoods and Troy City Council Districts was created using Google My Maps by reddit.com/r/troy
boasts a year-round farmers market that is the largest in the region. The farmers market is run autonomously from the City. The farmers market attracts upwards of 14,000 customers to the City each Saturday. The City, in partnership with local organizations such as the Downtown Troy Business Improvement District, hosts many events throughout the year. Each of these draws thousands of people into the City which creates additional waste management challenges.

1.6 **Seasonal Variations**

The City of Troy has a vibrant and growing downtown area with a central business district (CBD). It features a diverse group of businesses, restaurants, bars & breweries, art galleries, retail shops and more. These create a concentrated and unique waste stream in the downtown, which is complicated by the historic nature of the buildings and age of streets. As a result, the City provides regular pickups in the CBD Monday through Friday, five days per week. The downtown waste stream fluctuates throughout the year due to seasonal events held downtown such as the Victorian Stroll, the Chowder Festival and the Troy Pig Out.

The largest impact on the City’s seasonal waste stream variation is created by the educational institutions located in Troy. The three higher education institutions – Rensselaer Polytechnic Institute (RPI), Hudson Valley Community College (HVCC), and Sage College – have a collective student body of over 20,000 people. A little more than half of these students attend HVCC. Although the college is expanding its student residential options, most of their students are commuters. These commuting students do not impact the waste stream as directly as RPI and Sage students.

All three schools operate on similar annual schedules. Most students arrive before the first of September and leave after school ends at the end of May. The semester schedule has resulted in a large number of apartments located within Troy to have either June 1 or July 1 start dates, subsequently creating May 31 or June 31 move out dates. Because large numbers of students move out during a similar time period, a significant volume of accumulated material is deposited into the waste stream. Since 2012, the City’s highest disposal volumes of municipal solid waste occur in May and June. The spike is attributed to the departing students and to the semester’s effect on yearly lease agreements.

In the spring, the City sees a large influx of brush material from winter cleanup. In late fall, a similar influx is seen but from fallen leaves and yard cleanup. It is these two seasons that contribute the largest amount of yard waste at the City’s collection pile.

1.7 **Anticipated Changes**

Troy has experienced a recent increase in residential and commercial investment. There are a number of residential and mixed use development projects near completion, underway and in planning phases. These projects are expected to increase the waste streams in their respective neighborhoods. Currently these developments are
concentrated in the downtown central business district. Additional development projects are slated in South Central and North Central. The exact impact of these developments on the waste stream or the population is not known at this time.

**Section 2 – Waste Generation and Materials Recovery Data**

2.1 **Description of Current Waste Stream**

The City of Troy currently utilizes a private transfer station in South Troy as the primary waste disposal site. The transfer station, its history, and current collection methods are elaborated on in Section 3. Since it opened all waste stream data records are provided to the City in monthly statements issued by the transfer station. The transfer station accepts three streams of material: Single Stream Recycling (SSR), Construction and Demolition debris (C&D), and Municipal Solid Waste (MSW). The transfer station currently provides the City with monthly totals for each type of material. Yard waste, scrap metal, and bulk waste are collected by the City and consolidated and held at the Alamo facility (a property owned by Troy Local Development Corporation and leased by the City). This facility is located in South Troy, at the intersection of Main Street and Industrial Parkway East.

There is currently no truck scale at the Alamo; so waste is measured as it is removed from the site. (The Alamo site is expanded upon in section 3.1.3).

Table 2.1 provides total tonnage by material from the transfer station from 2014 – 2017. Tires, yard waste and electronic waste data were available from their respective haulers for 2017 only. Scrap metal data was available back to 2014.

Troy can conservatively estimate a single stream recycling rate between 6-7% for the last 4 years. This rate does not include all diverted material. 2017, is the only year where data is available for other diverted material. In 2017 the recycling rate is 9%. Closer monitoring of materials will yield more data related to solid waste, moving towards achieving the objective of accurate data collection and reporting.

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>MSW</td>
<td>15,352.3</td>
<td>15,238.7</td>
<td>15,892.4</td>
<td>16,029.5</td>
</tr>
<tr>
<td>SSR</td>
<td>1,170.6</td>
<td>1,163.9</td>
<td>1,243.8</td>
<td>1,342.0</td>
</tr>
<tr>
<td>Scrap Metal</td>
<td>40.4</td>
<td>45.3</td>
<td>7.9</td>
<td>6.1</td>
</tr>
<tr>
<td>C&amp;D + Bulk</td>
<td>1,791.9</td>
<td>1,766.4</td>
<td>1,243.8</td>
<td>3,326.0</td>
</tr>
<tr>
<td>Tires</td>
<td>1.0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Table 2.1 - Waste Stream Breakdown (in tons)
<table>
<thead>
<tr>
<th>Yard Waste</th>
<th>700</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-Waste</td>
<td>19.0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>18,875.1</td>
<td>18,214.3</td>
<td>18,387.8</td>
<td>20,703.5</td>
</tr>
</tbody>
</table>

Table 2.1 has data from the transfer station and private collection services. MSW information comes from the monthly tip totals County Waste sends the City. The monthly weight totals for MSW were added up to see the number indicated here. The data received from County Waste only accounts for the MSW collected by the City services and does not include MSW tipped at County Waste by individuals or other collection companies. It also does not account for MSW generated in the City, collected by private collection companies, and brought out of the City. SSR data is compiled in the same manner as MSW and faces the same data limitations. Construction and demolition debris accounts for any City generated construction and demolition waste (street repair) and all bulk material collected by the City collection services (furniture). Bulk material is put into County Waste dumpsters at a separate site in addition to being brought directly to the transfer station. This data accounts for both sets of information. All construction and demolition debris generated by property owners that utilize a private dumpster service is not accounted for in this table. An alternative method to this data collection is discussed in Section 5.11 Hauler licensing. It will fix all data limitations that are indicated above.

Scrap metal, tires, and electronic waste are all collected separately from MSW, SSR, and C&D/Bulk. They have direct billing that accounts for the weight during each service. This results in accurate accounting of all scrap metal, tires, and electronic waste that the City collects. Scrap metal and tire data is only available for City collection services. The Electronic waste collection event that occurs annually is the one of the two available for City residents (the second event being held by Rensselaer County) and captures nearly all of the electronic waste generated by the City of Troy.

Bio-solids and industrial solid waste data are unavailable at this time and are not included in the chart. The data will be accounted for once the alternative methods are implemented that are suggested in Section 5.11 Hauler Licensing.

This plan articulates the necessary first step for the City to collect and compile the waste stream data. Analysis of this data is limited due to lack of available data. Despite this, there are some observations that can be made. 2016 was the lightest year on record from 2012 to 2017. The first quarter of 2018 MSW tonnage are approximates per month. The deadline for payment of the first installment of the solid waste management fee in April, 2018 MSW tonnage appears to be trending below historical averages. It is expected that MSW will continue to decrease as both recycling and reuse options are expanded and education and outreach options are increased.
NYDEC provides a calculator (used in table 2.2) to project waste and recycling information over the course of the planning period (2019-2028). This calculator takes current waste data and population data to project this information.
## 2.2 Analysis and Projections of Waste Stream

### MSW Management Composition (%)

<table>
<thead>
<tr>
<th>Source</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
</tr>
</thead>
<tbody>
<tr>
<td>Composted Cardboard</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
<td>18.0</td>
</tr>
<tr>
<td>Other Recyclable Paper (Total)</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Other Recyclable Paper</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Total</td>
<td>42.0</td>
<td>42.0</td>
<td>42.0</td>
<td>42.0</td>
<td>42.0</td>
<td>42.0</td>
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<td>42.0</td>
<td>42.0</td>
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</tr>
<tr>
<td>BTR, Compost, Mulch</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>42.0</td>
<td>42.0</td>
<td>42.0</td>
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<tr>
<td>TOTAL</td>
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<td>42.0</td>
<td>42.0</td>
<td>42.0</td>
<td>42.0</td>
</tr>
</tbody>
</table>

### Glass-Bottles, Jars, and Containers

<table>
<thead>
<tr>
<th>Source</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
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<tbody>
<tr>
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<td>12.0</td>
<td>12.0</td>
<td>12.0</td>
<td>12.0</td>
<td>12.0</td>
<td>12.0</td>
</tr>
<tr>
<td>Other Recyclable Paper</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
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</tr>
<tr>
<td>Total</td>
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<td>15.0</td>
<td>15.0</td>
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<td>15.0</td>
<td>15.0</td>
<td>15.0</td>
<td>15.0</td>
</tr>
</tbody>
</table>

### Other Glass (jars, bottles, etc.)

<table>
<thead>
<tr>
<th>Source</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
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<td>12.0</td>
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<tr>
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<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
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</tr>
<tr>
<td>Total</td>
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<td>15.0</td>
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<td>15.0</td>
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<td>15.0</td>
</tr>
</tbody>
</table>

### Total

<table>
<thead>
<tr>
<th>Source</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
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<th>2028</th>
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<tbody>
<tr>
<td>Composted Cardboard</td>
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<tr>
<td>Other Recyclable Paper</td>
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<tr>
<td>Total</td>
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<td>15.0</td>
<td>15.0</td>
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<td>15.0</td>
<td>15.0</td>
<td>15.0</td>
</tr>
</tbody>
</table>

### Notes

- The data presented is for the years 2019-2020. For projections, see the next section.
- The percentages are based on volume of waste managed.
- The data reflects the trends and projections for waste management in City of Troy, NY.
2.3 Data Limitations

The City only has data available from the City collection services, with none available from private collection services. Due to this limitation the solid waste history of the City is not comprehensive. The City has many large waste generators that are not captured currently. This can be remedied by altering the hauler permit code and making regular data requests. To achieve this goal, City recommendations for hauler code changes are made in Section 5.

The City has never requested data from large waste generators located within the City, like RPI or St. Mary’s Hospital, so reporting is incomplete in this area. By streamlining these requests, the data gaps will begin to fill in, beginning with large institutions and expanding to smaller ones. A recycling and solid waste survey will be given to all large-scale generators with a requirement of compliance to be added to city code. Implementing these changes will ensure all necessary data gaps are filled prior to the 2028 plan, completing this plan’s objective to increase accurate data.

The City does not have any data on the breakdown of waste generated by individual neighborhoods or data from private haulers. Only citywide data on material collected by the City’s municipal collection is available. The lack of location data creates difficulties in fixing solid waste issues specific to neighborhoods. Comprehensive reporting on an annual basis must precede new data objectives. During the 2019-2028 planning period, waste reporting will be streamlined and available for the next plan in 2029. The collection of data is a critical first step in lessening the financial burden of waste management on the taxpayers.

Section 3 – Existing Solid Waste Management System

3.1 Facilities / History

The City of Troy has not had a public solid waste management plan since the closure of its landfill. Without regular updates on the solid waste management policy and changes to the policy by the City, the public lacks a clear understanding of its municipal collection services. This lack of clarity over time has contributed to confusion and frustration surrounding Troy’s solid waste management practices. This plan attempts to lay out the current and historical solid waste practices of the City and then proceeds to make recommendations for change that will have positive, clear outcomes.

One of the objectives of this plan is to create a clear understanding of solid waste processes so that the public can easily participate in the system. The plan will also bring the
City of Troy, NY

Comprehensive Recycling Analysis, 2019-2020

City into compliance with NYS laws pertaining to Comprehensive Recycling Analysis. Troy has not had a CRA or a solid waste management plan nor has it in practice been involved with a planning unit. In 1991, a planning unit, the Greater Troy Solid Waste Authority, was created with Troy. This planning unit, however, was never actualized and no records exist of any formal meetings. The unit was formally dissolved by NYS in 2013.

3.1.1 LANDFILL AND RECYCLING FEE - 1968-1995

The City of Troy’s modern solid waste history begins with the City of Troy Landfill located off Sherman Avenue in the Eastside Neighborhood on the former Troy airport site. Opening in 1969, the landfill operated without any State oversight or involvement. Concurrently, the City launched a municipal collection service, moving away from utilizing a private collection company.

The landfill site is approximately 95 acres. At the time of its opening in the late 1960’s it was assumed that this site would provide unlimited waste disposal capacity. For most of the landfill’s lifetime, it maintained a tip fee of over $100 per ton. By comparison, the current 2018 average price per ton in the Capital Region is $65. The revenue from the landfill’s tip fees completely funded the municipal waste collection services throughout the landfill’s lifetime and was an economic benefit to the City. However, it was later seen to present an environmental hazard that impacted the surrounding area.

By the late 1980’s the New York State Department of Environmental Conservation and the City were in constant disagreement over proper landfill management. Despite the City’s unwillingness or inability to properly manage the landfill according to then-current state regulations, the pressure applied by NYDEC and, ultimately, the involvement of the State Attorney General's office forced the City to close the landfill in 1992. As part of this landfill closure, an interim transfer station was constructed and operated from 1993 through November of 1995. Despite attempts to keep the landfill and the transfer station open, NYSDEC became reluctant to support the City in these efforts and forced them to manage the transition without assistance from New York State.

To help with the financial loss of the landfill, Troy reduced the tip fee at the landfill the year before the closure to $55 per ton, down from $110 per ton, to maximize revenue. An article from the Times Union in 1992 outlines this change in tip fee and reactions from the community at that time (Come one, come all Times Union 1992). The closure of the landfill was perhaps the biggest event affecting the City’s solid waste programs in its history. The loan that was required to be taken at the time to close and cap the landfill is still being paid today as part of the MAC debt.

In 1988, the state legislature approved the NYS Solid Waste Management Act which required that every municipality in the state have a mandatory source separation ordinance.

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5 6 NYSCRR Part 360.11
or local law in place by September 1, 1992. The City of Troy complied with this mandate in August of 1992.

In 1992, the City was inclined to privatize the municipal solid waste system. A stepping stone towards this was to comply with the State and now local recycling mandate and offer a private recycling collection service. Since the landfill tip fee revenue was coming to a close, Troy opted to pay for this new private recycling service through a fee. This was the first time in which the residents received a bill for any solid waste services.

As for municipal solid waste, the closure of the temporary transfer station in 1995 forced the City to seek other disposal options. The City began bringing all waste material to the Town of Colonie landfill. This process continued for over ten years until the private transfer station opened in 2009. All of the City’s MSW collected by the municipal collection now goes to the transfer station in South Troy.

### 3.1.2 Transfer Station – 2009-2018

The transfer station in South Troy is located at 83 Water St. on a property owned by the Troy Local Development Corporation (TLDC). The Property is leased to County Waste, a division of Waste Connections Inc., the third largest solid waste services company in the United States. The TLDC’s lease allowed County Waste to build out the building to operate as a transfer station, as long as it remains in compliance with NYSDEC. The City’s benefit from the site is consistent access to waste disposal at a fixed rate through 12/31/14. The City operates as a “designee” of the TLDC under the lease. According to the lease, the rate per ton is variable after 12/31/14 and has been in the range of $60 - $62 since then. There will be an addendum to the lease in 2019, capping future increases by a set CPI annually.

There is a zero-dollar tip fee for SSR. The transfer station is open Monday through Friday 7:30am until 4:45pm and Saturday 7:00am until 12:45pm. The transfer station is open to both the general public and to the City for disposal. There is a significant number of days during which the transfer station closes earlier than their publicized times, requiring the City’s sanitation trucks to go to County Waste’s Albany facility. This increases both labor and transport costs for the city. The City is currently working with County Waste to level out these costs, so that the City is not adding unnecessary expenditures.

The transfer station has an up-to-date permit with NYSDEC that it maintains. Copies of the permit are sent regularly to the City upon renewal. The facility is permitted to take MSW, SSR, and C&D material. It is not permitted to take electronic waste (e-waste), household hazardous waste, or yard waste. The transfer station is permitted to accept a rolling average of 400 tons per day over 30 days with a maximum daily tonnage of 580 tons on any given day. The City generates an average of 60 tons per weekday according to a 5-year average. This keeps the City at only 15% of the transfer stations rolling capacity. The City currently utilizes the Alamo site to handle its yard waste, e-waste, HHW collection
events, scrap metal, and bulk collection. The organic management portion of Troy’s program (currently co-located at the Alamo site) may be relocated to an alternative site in the future.

3.1.3 The Alamo

The City has utilized the Alamo site for almost two decades. The City does not pay the TLDC to use the Alamo site. The City has expanded usage options and availability of the Alamo over the years. The City began using the Alamo for yard waste exclusively. Scrap metal, tire storage, HHW collection events, and eventually bulk collection were also added at this site. Bulk collection at the Alamo is limited to drop off from smaller City vehicles. It is not protocol for grapple trucks to offload bulk waste at the Alamo. Due to financial and staffing limitations, the Alamo has not been adequately managed in over 3 years, resulting in the buildup of irregular material at the site. This culminated in 2017 when, due to an unfortunate series of events, NYSDEC inspected the Alamo. The inspection resulted in a notice that the site is not appropriately permitted or set up for general public.

This shutdown prohibited access to the Alamo by the general public, but did not impact City operations at the site. NYSDEC felt the risk of incorrect disposal was too great without a proper management plan and reliable staffing. The Alamo remains operational for internal City uses due to a municipal exemption. The Alamo can be reopened to the public following the filing of a site management plan with the NYSDEC that outlines 1) the type of material accepted, 2) how it is stored and the pertinent site registrations, 3) permits or exemptions related to each type of material. Additionally, NYSDEC requires the site be staffed during periods of public access to the site for disposal services.

<table>
<thead>
<tr>
<th>Type</th>
<th>Truck #</th>
<th>Yardage</th>
<th>Truck Year</th>
<th>Age</th>
</tr>
</thead>
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<td>20</td>
<td>2006</td>
<td>13</td>
</tr>
<tr>
<td>Rear Load</td>
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<td>Rear Load</td>
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<td>19</td>
</tr>
</tbody>
</table>

\(^{a}\) 6 NYCRR Part 360.14 (b) (1)
3.2 **TROY COLLECTION PROGRAMS**

3.2.1 **MSW Collection**

The City of Troy’s municipal solid waste (MSW) collection services have been offered since the landfill opened. The closure of the landfill in 1992 saw an overhaul of municipal collection services due to financial constraints related to loss of landfill tip fee revenue. Since this overhaul, the department has slowly grown from 20 employees in 1993 to 29 in 2017. The addition of recycling collection – which the City started performing in 2001 – accounts for the growth.

As of September 2018, the City has six 20-yard rear loader garbage trucks and one automated side loader (ASL) 20-yard truck. When deployed, the rear loaders have one driver and two laborers while the side loader has only one driver with no laborers.

Sanitation vehicles and equipment are dated. While the City’s current capital plan calls for new garbage and recycling trucks every other year, this has not historically been the case. This new capital plan must be adhered to in order to ease the financial burden of maintaining older equipment, frequent repairs and missed services. A description of the MSW vehicles, including age of the vehicles and yardage capacity, is included in Table 3.1.

MSW is collected in zones throughout the City once per week, outside of the Central Business District in the Downtown Neighborhood where it occurs more frequently. The Central Business District receives street side service two days per week and alley service three days per week, totaling five days per week of MSW services. The City does not have a public map of collection zones available at this time.

The City requires that MSW be placed in “heavy-duty plastic bags tied at the top or specially treated paper bags” and this material is to be placed “in water-tight, covered wooden, plastic, or metal containers.” These containers must be marked for identification by the owner, either by name or street number. At this time the maximum amount of waste generated per household is limited to “50 pounds in weight or 20 gallons in capacity.” Waste containers that are full must be placed at the curb adjacent to the premises or in the alley to the rear of the property no more than 12 hours before collection of solid waste in residential areas and no more than 10 hours before collection of solid waste in business areas of the City.
3.2.2 Bulk Collection

Bulk collection is a municipal service involving collection of waste material too large for garbage trucks. Bulk material is collected with a grapple truck and pickup trucks. Sanitation uses four grapple trucks, three pickup trucks and one larger one-ton pickup dump truck for bulk collection. The grapple truck is operated by one driver while the pickup trucks are sent out with one driver and one laborer.

<table>
<thead>
<tr>
<th>Type</th>
<th>Truck #</th>
<th>Yardage</th>
<th>Truck Year</th>
<th>Age</th>
</tr>
</thead>
<tbody>
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<td>2005</td>
<td>14</td>
</tr>
<tr>
<td>Grapple</td>
<td>158</td>
<td>20</td>
<td>2002</td>
<td>16</td>
</tr>
<tr>
<td>Grapple</td>
<td>159</td>
<td>20</td>
<td>2001</td>
<td>17</td>
</tr>
<tr>
<td>1 Ton Dump</td>
<td>63</td>
<td>3</td>
<td>2009</td>
<td>10</td>
</tr>
<tr>
<td>Pick up</td>
<td>23</td>
<td>1</td>
<td>2008</td>
<td>11</td>
</tr>
<tr>
<td>Pick up</td>
<td>39</td>
<td>1</td>
<td>2009</td>
<td>10</td>
</tr>
<tr>
<td>Pick up</td>
<td>59</td>
<td>1</td>
<td>2008</td>
<td>11</td>
</tr>
</tbody>
</table>

According to City Code every owner-occupied property is allowed to receive free pickup of bulk service annually as long as the amount is less than one (6'x6' sized; or two cubic yards) pickup truck load. Bulk collection is intended to be performed on demand. The property owner calls the DPW dispatcher and their pickup is scheduled for their next MSW service day. However, due to staffing capacity this is not how it always works. It has been a priority for the City since the mid 1990’s to always keep the streets clean. This has allowed for the City to maintain cleaner streets, but has facilitated or encouraged illegal dumping, excess bulk dumping by homeowners, and overburdened bulk collection crews.

Illegal dumping and missed services due to staffing or equipment breakdowns are the two biggest bulk waste issues the City faces. There is little clarity regarding residential bulk material disposal. In the mid-1990s, Troy attempted to enforce a payment system for bulk material. After low compliance (40%), high illegal dumping rates and difficulty in differentiating the homes that paid versus those that did not, the program was discontinued. Since then bulk collection has continued with no major overhauls, excepting the new protocol in 2019, charging to collect bulk materials..

After its collection, bulk material is transported to the Alamo where it is placed into private roll-off containers. Grapple trucks go directly to the transfer station, instead of bringing material to the Alamo. The Alamo containers are picked up weekly. This material is
considered C&D material by the disposal company. Any bulk material brought directly to the transfer station is also considered C&D material, not MSW.

### 3.2.3 Recycling Collection

Recycling collection has been performed by the City since the early 2000s. When the City took over the recycling collection, they consolidated all collection days into one. Before this, each household would have three collection days: one for MSW, one for SSR, and one for bulk. By consolidating the collection days down to one per zone, labor and missed services were reduced.

The City has offered a zero-sort, single stream recycling (SSR) method of collection since County Waste started accepting this material at the transfer station in 2009. Although this method of recycling is much easier for the general public, it gives rise to a higher risk of contamination due to the lack of handling and inspection usually used in SSR collection. The City is currently assessing opportunities to reduce both single-stream recycling contamination as well as creating more cost effective sanitation collection protocol.

<table>
<thead>
<tr>
<th>Table 3.3 – SSR Truck Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type</strong></td>
</tr>
<tr>
<td>Curb Hopper</td>
</tr>
<tr>
<td>Long Side Loader</td>
</tr>
</tbody>
</table>

Accepted SSR materials are placed “curbside” for municipal collection in blue 14-gallon bins provided by the City. The bins and the service are only provided to property owners who qualify for municipal collection services as outlined in City of Troy Code. These bins are dictated by the types of trucks used in SSR collection. Unlike the collection of MSW and bulk services, the SSR collection is performed by a driver and a laborer using two different trucks. Both of the trucks used are side loaders, a type of truck with very high sides for loading and no tipping mechanisms. Due to the logistics involved in emptying totes into these trucks, it is currently impractical to increase the size of our recycling containers. A major investment in vehicle upgrades would be needed to accommodate a larger collection container.

Communities across the United States are experiencing uncertainty within the recycling industry due to changes in the international markets in 2018. Although the City is in a relatively good position when it comes to local single stream recycling changes, the City’s recycling collection equipment is in need of an overhaul, but the impact of these international changes on future needs is unknown. The international recycling situation is discussed further in Section 5.3.1.
3.2.4 Food Waste/Composting/ Source Separated Organics (SSO)

The City does not currently offer any municipal source separated organics collection. There are, however, community efforts for food waste diversion and collection. There are several community gardens throughout the City that have on site compost piles. The organization or group that organizes each respective garden commonly allows garden participants to utilize the compost pile onsite. Troy Zero Waste, a local community organization, offers a weekly food waste drop off site at the Troy Waterfront Farmers Market every Saturday. This material is hauled by the organization to one of the local community compost piles in Troy. Market vendors and City residents utilize this free service.

In 2012, the City created a Citizens Working Group to research and make recommendations with regard to municipal composting in Troy. Their draft report was adopted by the City Council in 2012. The full report is attached to this document. The report made clear recommendations to the City, some of which have been adopted, others have not. The hiring of a recycling coordinator and removal of waste costs from the general taxes were the two most recent recommendations adopted.

In 2015, the City began developing a request for proposal (RFP) for a pilot food waste collection program for the City of Troy. As the date for issuing the RFP was approaching, the City experienced the tragic and untimely death of its Solid Waste Coordinator who was the project lead on the RFP. No further action has been taken.

As well, there will be efforts made to recover and re-distribute viable and usable foods back into the community via partnerships with local agencies, groups and non-profits. This will put the food to a better hierarchical purpose than any other options.

3.2.5 Yard Waste

Yard waste and tree debris are collected upon request by the City. This service is available to all property owners in the City. City Code currently requires yard waste be placed in brown paper bags or black plastic bags before pickup; tree debris must be bundled and be no more than 5 feet in length, 18 inches in diameter and weigh less than 75 lbs. The DPW dispatcher compiles a weekly list of call-in requests. Depending on available labor, the list is collected during the same day as MSW and SSR collection.

Yard waste collection is not currently a reliable service due to lack of available labor during the summer months. In the spring, the City schedules a regular yard waste collection for several weeks. During this time, the City will collect yard waste every week on the regular trash and recycling day. The City will occasionally offer this service in the fall.

All collected yard waste is brought to the Alamo and stored in a pile that after one year is approximately 4000 cubic yards. According to NYSDEC, this site is exempt for
registration or permitting because the total material onsite never exceeds 10,000 yards of material annually.

Once or twice per year (depending on quantity generated), the yard waste pile has been ground into mulch and hauled away. This practice has been ongoing since at least 2011. Initially, ground mulch was given to residents. However, fewer and fewer residents took mulch and it became a burden to store all the ground material year after year. In recent years, the ground up mulch was found to have been contaminated at the collection source with plastic and metal materials. As a result, the ground material required screening prior to sale. The contaminated material was hauled away by the contractor to be screened off-site.

3.2.6 Construction and Demolition Debris

The City does not currently have a large-scale system for construction and demolition collection or recycling. Homeowners are prohibited from placing C&D debris in the streets for bulk pickup. Instead, they must rent a private dumpster through a permitting process overseen by Troy’s Bureau of Code Enforcement. The County Waste transfer station accepts C&D debris. City-generated C&D debris is removed by contract vendors. Currently these bids do not require recycling. The City pays C&D rates for its bulk collection for the residents, including furniture and white goods (large appliances). There is no available data from outside municipal collection for C&D disposal rates.

3.2.7 Hauler Permits

Changes in City hauler permits are recommended in section 5.11. Currently the City does not enforce its laws pertaining to hauler permits. There is no indication that the City has ever enforced these laws. There are two separate laws that require hauler permits, each with different language in regards to process. These are City Code Chapter 234-4 Permits for Private Haulers and Chapter 247 Article II: Private Collection.

3.2.8 Recycling Laws

Recycling has been mandated in the City since 1992 pursuant to NYSDEC regulations. The service has been provided by the City for its residents since 1993. The history of Troy’s recycling law is found in section 3.1.1. In the 2012, the Citizens Working Group recommended rewriting the City Code to include a food waste mandate. The City has not yet adopted a food waste recycling mandate. The State has a food waste landfill ban that would impact large generators that has not been passed as of this documents’ publication.

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7 6 NYCRR Part 361-4.2
3.2.9 Enforcement Methods

The City utilizes three entities to report on and enforce its current waste and recycling laws. Two are City entities - the Bureau of Code Enforcement, and Department of Public Works (DPW), with the third being City residents. DPW and Code handle the enforcement process, while DPW staff and the public are responsible for reporting code violations. Currently, this involves calling in violations to dispatch in order to dispatch a code enforcement officer to document the violation. Because DPW staff see and handle the material most frequently, they are the primary reporting body.

The most significant violation problems are illegal dumping and bulk violations. Because of this, the City asks residents to report these types of violations when they see them so they can be handled in a timely manner. Public engagement can curtail problems faster than the City can find and fix them. Public participation is to be encouraged.

Once a violation has been documented, the City collects the items. Fines for violations of solid waste management are laid out in City Code. “Any person violating any provision of this article shall be guilty of an offense and, upon conviction thereof, shall be punishable by a fine not exceeding $250 or imprisonment not exceeding 15 days, or by both such fine and imprisonment, for each offense. Each day that such violation continues shall constitute a separate violation.” Fines and penalties for violating littering or bulk laws are outlined in City Code Chapter 188: Littering.

Sanitation laborers can refuse recycling bins if the contents do not comply with the published acceptable items. However, these refusals are not communicated to the generator (owner or occupant), who often assumes a missed service has occurred rather than a rejection. Proper communication to participants in the city collection services is addressed in Section 5.

3.2.10 Data Collection

County Waste provides an annual transfer station report which breaks down MSW, C&D, and SSR that the City brings to their facility. Unfortunately, this report does not capture any other generators besides the city collection services. Institutions like Russell Sage College, Rensselaer Polytechnic Institute, and Samaritan Hospital all utilize private collection services that do not report data to the City. This also does not capture source location data from the material collected. Annual waste reports and hauler permit data requests will give the City more data and allow for more effective analysis over time. Additionally, waste information from large generators within the City will enable calculations of citywide recycling rates to include generators beyond residential customers.

County Waste sent the transfer station data to the City annually before 2018. In 2018, monthly data from 2012 to 2018 were requested. This data was used to generate all graphs
and charts within this plan. Further analysis of historical data will need to be conducted once more information is available. The collection of data is a critical first step in lessening the financial burden of waste management on the taxpayers. There are more details on data in Section 2 and recommended changes can be found in Section 5.10.
Section 4 – Existing Administrative and Financial Structure

4.1. Organization

4.1.1 Department of Public Works

The City of Troy Department of Public Works (DPW) is organized into five bureaus: Central Garage, Facilities Maintenance, Streets, Sanitation, and Traffic. Sanitation and Streets are the two bureaus that handle solid waste, with Sanitation being responsible for primary collection. The following chart outlines the hierarchy of order within these two divisions. The DPW dispatcher handles all calls for DPW; this work includes requests for solid waste pickup, bulk collection, yard waste collection, and missed services.

2018 was a restructuring year for Sanitation and Streets. This was triggered by the loss of several employees through retirement and the hiring of a Commissioner of General Services in early 2018. Reporting to the commissioner, the supervisor position was divided into two - Sanitation Supervisor and Streets Supervisor - with two interchangeable forepersons below them. Once fully staffed, the new management structure creates better accountability and efficiencies in DPW related to waste services. The Litter Patrol Officer is a Sanitation position handling solid waste related code enforcement issues. The position has been unfilled for nearly a decade, but is expected to be filled before the end of 2019.

The Recycling Coordinator Position was created in 2017 and was filled in April of 2018. The Recycling Coordinator Position has been included in Ordinance #103, Ch234 as a permanent position.

Table 4.1 provides an Organizational Chart for the Department of Public Works.
Chart 4.1 – Organizational Chart: Bureau of Sanitation, Streets

4.1.2 Finance

The Sanitation Department operates on an annual budget of over $3 million dollars. This has traditionally been funded through both property taxes and the recycling fee since the closure of the landfill in 1993 until 2017. In 2017, the City of Troy approved a new law establishing a solid waste management (SWM) fee to fund the sanitation budget. This separated the cost for solid waste management from local property taxes and eliminated and replaced the recycling fee. The SWM fee was set at $160 per residential unit for 2018. The fee was the same for all generators and was calculated based on the total number of units. The SWM fee was billed as a separate bill entirely from property taxes and utilities. Although perceived as politically divisive at the time of its implementation, the removal of waste costs from general taxes in the form of a separate fee is a change that is recommended by NYSDEC, the U.S. Environmental Protection Agency, and in two separate reports issued to the City, one by a citizen working group and the other by a research firm.
and RPI department. Additionally, a SWM fee is utilized by many other cities throughout NYS. A table listing their respective fees by unit is below.

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Single Family</th>
<th>2 Family</th>
<th>3 Family</th>
<th>4 Family</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Rochester</td>
<td>$391</td>
<td>$787</td>
<td>$872</td>
<td>n/a*</td>
<td></td>
</tr>
<tr>
<td>City of Plattsburgh</td>
<td>$352</td>
<td>$704</td>
<td>$872</td>
<td>n/a*</td>
<td></td>
</tr>
<tr>
<td>City of Rensselaer</td>
<td>$256</td>
<td>$520</td>
<td>$768</td>
<td>n/a*</td>
<td>SWM fee billed quarterly</td>
</tr>
<tr>
<td>City of Schenectady</td>
<td>$224</td>
<td>$448</td>
<td>$672</td>
<td>n/a*</td>
<td></td>
</tr>
<tr>
<td>City of Troy</td>
<td>$160</td>
<td>$318</td>
<td>$477</td>
<td>$636</td>
<td></td>
</tr>
<tr>
<td>City of Albany</td>
<td>$0</td>
<td>$180</td>
<td>$360</td>
<td>$540</td>
<td></td>
</tr>
<tr>
<td>City of Buffalo</td>
<td>$119</td>
<td>$119</td>
<td>$119</td>
<td>n/a*</td>
<td>Hybrid PAYT (annual fee)</td>
</tr>
<tr>
<td>City of Utica</td>
<td>$79</td>
<td>$158</td>
<td>$237</td>
<td>n/a*</td>
<td>Hybrid PAYT (annual fee)</td>
</tr>
</tbody>
</table>

*The Cities of Rochester, Plattsburgh, Schenectady, Utica, Buffalo and Rensselaer consider buildings with four or more units as commercial properties and do not provide residential collection services. However, some of these cities offer more expensive options for commercial properties not indicated in the above table.

From NYSDEC’s solid waste management plan 2010 “Beyond Waste…”

“6.3.2 (a) Property Tax Most municipalities in New York State fund their solid waste and recycling programs using general revenues derived from property taxes. This system provides no incentive to the resident/taxpayer to reduce or recycle waste because the actual cost of waste disposal is hidden. Moreover, this approach, while simple and straightforward, leads to difficult budget decisions where investments in waste reduction and recycling compete with other critical public services, such as police, fire protection, libraries and schools. Those who waste less essentially subsidize their neighbors who waste more.”

From U.S. EPA Economics of Waste Management and Land Cleanup webpage.

Municipal solid waste (MSW), otherwise known as “garbage” or “trash,” consists largely of waste discarded by households, businesses, and institutions. Economic studies focus on determining appropriate policies for MSW management, as well as measuring the negative external effects of MSW disposal, potential siting difficulties, and so on. The collection of MSW can be priced according to two different policies: traditional regulatory instruments (flat fees and local tax receipt-funded collection programs), and market incentives policies. Flat fees and local tax receipt-funded collection programs provide little incentive to reduce waste as the waste generator faces no extra costs in producing more waste each month. Approaches that include economic incentives increase unit costs and monetary rewards for reducing waste generation, and increasing composting and recycling. Examples of incentive structures include volume-based user charges, subsidies for recycling, and product charges that include the eventual costs of disposal. Economic studies that focus on the negative external effects of solid waste disposal have examined host community payments and hedonic pricing effects. Economic analyses are also conducted to better understand the process and justice issues surrounding placement of recycling, composting, and other municipal solid waste facilities.

From Municipal Composting in Troy:

“It is important for residents to understand their financial stake in the recycling and composting system. Currently, homeowners see no fee for the collection of solid waste, and a $29 yearly fee for recycling collection, while the city spends more than $80 per household per year to dump municipal garbage, and far more to pay for trash pickup and management equipment. These hidden costs result in people not being aware that their actions (failing to separate their waste stream) have real financial implications on themselves and their neighbors. The CWG-C recommends, as part of the implementation of a pay-as-you-throw (PAYT) system (and prior to it), the itemization of these costs in a method that makes them more transparent to residents. […] The hidden cost for disposal results in a large percentage of residents believing that garbage collection is free. They are unaware that the cost of trash collection and disposal is included in the property tax. It is difficult for residents to understand the potential economic benefits of recycling without seeing the direct impact on their taxes”

The 2000 titled “Improving Troy’s Solid Waste Management Program” issued by the Green City Project report also recommends moving the cost of waste out of property taxes as discussed here.

“In 1999, Troy homeowners each paid $217 for their trash pickup and disposal because they cannot see this charge as a line item on their property tax bills some residents have the misconception that garbage collection is free. Our survey of Troy residents showed that 35% of respondents were unaware that they paid for solid waste services in their property tax bill. There is no incentive to reduce the amount of
landfilled waste if there is no promise of reduced cost from diverting materials from the trash. Residents will not understand the economic benefits of recycling unless they are aware of the cost to citizens for garbage collection and disposal.”

The City’s SWM fee originally had a sunset clause and was directed into the general fund, but for the 2019 fiscal year was moved to the sanitation fund. Over the next several years, the Solid Waste Advisory Board has a goal of reducing the SWM fee in conjunction with the implementation of a hybrid Pay As You Throw (PAYT) program.

4.1.3 Outreach

The City historically has not provided effective outreach to residents when it comes to communicating the rules, regulations, and procedures of its solid waste services. The City’s website contains limited information for bulk requests, yard waste pickup, trash and recycling collection schedules, and what can be recycled. Recent efforts have made some progress to allow for improved communication, including the establishment of an online services page, as well as significant updates to instructions and content contained on the City’s municipal website, but further work is needed.

In April 2018, the City hired a recycling coordinator to perform a series of solid waste related tasks including expanded public outreach regarding solid waste and recycling programs. The recycling coordinator is also tasked with developing the City’s solid waste management plan, coordinating future recycling efforts, assisting in recycling education, ensuring the City’s compliance with NYSDEC reporting requirements, and collecting recycling data for internal and external reporting. The coordinator began increasing outreach in 2018 by disseminating information with Household Hazardous Waste Day coupons and now serves as public contact available by phone for any and all recycling and solid waste management related questions. The coordinator has plans for assisting the City in the implementation of the recommendations within the CRA plan in Section 5, including expanding outreach.

4.1.4 Enforcement

As outlined in Section 3.2.9, the enforcement of the City’s solid waste laws currently occurs. When Sanitation and Streets employees tasked with removing material or city residents visually observe violations, these violations are communicated to the dispatcher. The violation is photographed as documentation. Then, the material is removed by DPW and a violation is issued by Code Enforcement. Once the position is filled, the litter patrol officer will issue trash violations and work with Sanitation to ensure that all violations are photographed. The photo is attached to a bill which sets forth the fine and is mailed to the property owner. In the event the fine is not paid, the total is re-levied on the property owner’s

9 6 NYCRR Part 366
taxes for the following year. The fines and penalties are outlined in City Code Chapter 188-19 [b-d] shown below:

B. Any person committing an offense of illegal dumping as set forth in § 188-18 shall be guilty of a violation punishable by a fine, imprisonment, or both, for each offense. The fine shall be a minimum fine of $200 for each occurrence, with the maximum fine not to exceed $500 per offense. A sentence of incarceration shall not exceed 15 days per offense.

C. Fine; civil penalty. In addition to the collection of costs associated with the removal or cleanup of garbage, refuse or waste materials found in violation of this chapter by the City, any person violating this chapter shall be punished by a fine in City Court pursuant to Subsection A or B of this section or a civil penalty recovered in accordance with § 188-20 of this chapter in the following amounts:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>$100</td>
</tr>
<tr>
<td>Second</td>
<td>$125</td>
</tr>
<tr>
<td>Third</td>
<td>$225</td>
</tr>
<tr>
<td>Fourth</td>
<td>$300</td>
</tr>
<tr>
<td>Fifth</td>
<td>$350</td>
</tr>
</tbody>
</table>

D. Fine; civil penalty options. In addition to the penalties imposed in § 188-19 of this chapter, the City Court may order a person to perform one or more of the following:

(1) Perform public service relating to the removal of litter or to the restoration of an area polluted by litter;
(2) Pay the person, or in the case of public property, the City, sustaining damages arising out of a violation of this chapter, plus the injured party’s court costs and attorney’s fees if action results in a civil proceeding.

4.1.5 Data Collection

Before 2018, data was not collected beyond an annual statement from the transfer station. The recycling coordinator position has begun to implement a system of data collection and reporting for the City. The creation of a body of complete and accurate solid waste data will allow Troy to discover and develop efficiencies in the system and increase recycling rates. The collection of data is a critical first step in lessening the financial burden of waste management on the taxpayers.
4.1.6 Advisory Board

The Solid Waste Advisory Board (“the Board”) was established by the City in May of 2018 to assist in the writing and development of the Solid Waste Management Plan. The board was created utilizing City Code Chapter 234-8 which reads:

At the discretion of the Mayor, an advisory board shall be appointed to review and work with the City administration on current and future recycling issues and programs. Said advisory board members shall be appointed by, and serve at the pleasure of, the Mayor and shall receive no financial compensation for their work. Advisory board members shall be residents of the City and shall not hold public office within the City administration. The advisory board shall consist of a minimum of five and a maximum of nine members. The advisory board shall have a Chair who shall preside at all meetings. Meetings of the advisory board shall be scheduled by the Chair in conjunction with the Mayor or his/her designated representative.

The Board met frequently from May through August in order to complete this document within the allotted time frame. The Board has provided regular feedback on each section of this document. The operation and input of the entire Board has been essential in the completion of a document of this magnitude. The completion and implementation of this plan and the continued assistance of the Board is an essential component of the City’s ability to achieve its objective to increase data collection and fulfill reporting requirements.

4.2 Financial Structure

4.2.1 Landfill and the Alamo

The closure of the landfill in 1992 resulted in the loss of significant revenue to the City in the form of tip fees. The landfill site now costs the City approximately $15,000 annually in engineering and monitoring costs. The site currently houses a city solar array that results in a net savings of municipal electricity costs of approximately 20% of the City’s power. With the future addition of a second array, this number is anticipated to increase to 40% of the City’s power.

The Alamo does not cost the City any money in lease expenses. However, the site is owned by the TLDC which maintains a loan associated with the site. The Alamo site gives rise to expenses for the City related to the grinding of yard waste, removal of electronic waste, household hazardous waste collection event location, removal of recycled tires, and removal of bulk waste and scrap metal. Including all expenses associated with these services, the Alamo costs approximately $100,000 each year. All expenses are related to the disposal material and this cost comes entirely out of the tip fee budget. As of April 2019, there are measures underway to reduce this expense by shifting which vendors the City
uses for handling some of the materials, how some materials are handled as HHW and additional cost-saving measures.

The Alamo generates no revenue from tip fees and sees modest revenue (approximately $5,000) from scrap metal collection. Prior to March of 2019, the Alamo had a heavy machine equipment operator (HMEO) to maintain the site. This was usually a non-permanent assignment based on staff availability. The individual work from early spring until late fall (April – November). Snowplowing is the most important service of the HMEO in the winter months. Without a HMEO and a loader on site for a period of more than a week, the site becomes overburdened and requires a day of cleanup to become reorganized. As of July 2019, the City is working to have an HMEO onsite at least once a week. The HMEO is included in the Streets bureau budget. This bureau is responsible for keeping streets safe and clear. Both Streets and Sanitation services utilize the Alamo regularly for disposal.

The transfer station and its equipment, operated by County Waste, are privately owned. The building and land are leased to County Waste by the TLDC. The lease is effective through 2024 with an option for two (2) consecutive five (5) year lease extensions, through 2029 and 2034 respectively. The transfer station guarantees the City can dispose of MSW, SSR and C&D at a negotiated, reduced price and SSR at no charge. The City receives a monthly bill encompassing all material disposed of at the transfer station which includes a breakdown of material type into MSW, SSR, and C&D.

### 4.2.2 Funding Methods

The City is responsible for upgrades to waste collection equipment. There is state grant funding available for financial assistance related to recycling and waste reduction. The City has applied for, or is currently in the process of submitting for, the following NYSDEC grant programs:

- **Municipal Waste Reduction & Recycling Program** – NYDEC provides assistance for projects that further the primary strategy of the NYS solid waste management hierarchy. Troy has a grant application in development for recycling equipment to expand services and increase efficiencies.
- **Household Hazardous Waste** – A 50% matching reimbursement grant from NYDEC using the Environmental fund to incentivize municipalities to offer disposal options for waste materials that are potentially hazardous in homes.
- **Electronic Waste** – a 50% matching grant from NYDEC using the Environmental Fund to incentivize municipalities to increase recycling options for electronic waste, which is illegal to dispose of in MSW streams.
- **Recycling Coordinator** – A 50% matching grant from NYDEC to incentivize municipalities to create and keep a recycling coordinator position. These positions increase recycling participation and reduce MSW.
These grants require a 50% local match from the municipality. The latter three programs are annual grants which help offset the cost of HHW collection events, e-Waste Collection and the recycling coordinator position. All grant reimbursements go into the fund out of which the expenses were paid.

4.3 LAWS, REGULATIONS AND ORDINANCES

4.3.1 City of Troy Code 234 – Recycling and 247 - Solid Waste Code

City of Troy Code Chapter 234 requires recycling in the City. It also mandates that the municipality service all residential buildings that have 6 units or fewer, with all buildings with 7 or more units are required to recycle through private collection services. Approximately 87% of all units in the City are billed and receive City solid waste collection. The exact population that receives City solid waste collection is unknown.

The City’s Solid Waste code does not allow commercial units to use City collection methods unless they are grandfathered in by being located in the CBD and currently receiving municipal collection services. The City does not offer SSR collection for commercial locations that generate more than the 14-gallon bins the City uses. The City is currently investigating the feasibility of revenue offsets from these commercial producers and considering a pilot program servicing a very limited number of these producers to determine if it is realistic to offer city services to these commercial entities.

Beginning in May of 2019, the City is also implementing a $5.00 per rolling-tote handling fee for each event held within the city requiring pickup of solid waste. This includes both one-time events and regularly recurring events.

City of Troy Code Chapter 247 Solid Waste was updated in 2017. The changes included the creation of the solid waste management fee (SWM). The remaining changes adjusted the language to be clear with regard to what the City provides as solid waste collection. This included language clarifying what properties receive services from City Code Chapter 247-8 (B):

“Garbage, recycling and yard wastes. The collection and disposal of garbage, recycling and yard waste shall be provided to residential premises of six or fewer residential premises and to such other types of premises as the Commissioner determines to be necessary and/or desirable.”
4.3.2 City of Troy Code 188 – Littering

City of Troy Code 188-18 of the Troy City Code which defines what is considered illegal dumping and littering also governs acceptable bulk collection services and pricing for these services. Illegal dumping is defined in the City of Troy Code as:

“All categories of waste material, including but not limited to garbage, rubbish, bulk refuse, construction and demolition material, scrap metal or any similar type of waste material, shall only be placed for collection, either by private or municipal services, at the location from which the waste material was generated. Waste material deposited at a location within the City other than the location/property address from which the waste material was generated shall be considered illegal dumping and shall be subject to all appropriate fees, fines and penalties provided for in this chapter.”

Currently, owner-occupied properties with less than 6 residential units receive a flat fee of $25 (for 6’x6’; 2 cubic yard) pickup truck loads of bulk material collection. Non owner-occupied residents do not receive this pricing, but instead are charged a per-item rate. The current system does not adequately address the problem of illegal dumping. Further, the terms of the City Code have not been clearly communicated to the public. Residents who might otherwise wish to comply do not know how to properly use the system in place which results in frustration and unknowing violations.

4.3.3 Other Laws

The following types of laws relating to solid waste recommended by NYSDEC are not yet established in the City of Troy:

- Green procurement
- Environmental justice
- Local product stewardship and
- Sustainability initiatives (solid waste).

(These components are also highlighted in Realize Troy (sections: 5.1.3, 5.3.2, 5.3.4 and 5.3.5), and as a duly-cited objective will be addressed within the coming years as well.)

The City also created a Joint Task Force on Sustainability in 2014 with City Code Part 53; however, the task force was never convened. The City of Troy is a registered Climate Smart Community accredited by New York State.
Section 5 – Alternatives to Current Solid Waste Management Practices

Section 5 covers recommended adjustments and alternatives to current solid waste management practices. The section is broken out into 15 subsections by NYSDEC recommended topics. Several subsections within Section 5 are dense due to their detail. A brief overview of the denser subsections is highlighted above the relevant subsection as an aid.

5.1 Waste Reduction Programs

Other recommendations within this section qualify as waste reduction programs in addition to their respective sections. These items include:

- Enhance the visibility of municipal solid waste costs
- Expand education and outreach
- Create incentive-based pricing
- Expand enforcement programs
- Establish a recycle center
- Create a deconstruction permit
- Partner with non-profit organizations to divert edible food for human consumption
- Develop a food waste composting pilot program.

Each of these items is expanded upon in this section and is expected to reduce waste in addition to accomplishing their established goals.

5.2 Reuse Programs

5.2 – Recommendations for Implementation by City

- Explore reuse center options within city limits
- Report on reuse center feasibility in city in 2020

The City of Troy does not currently have a municipal or a public-private option for reusable material donation or disposal within the City. Reuse centers are different from recycling centers because the material is not being broken down and remade into something else, but rather sold as is. There are local restore centers and salvage yards run by local nonprofits and private companies.

Troy residents need a more accessible reuse center option in order to prevent reusable materials from entering the waste stream. The amount of bulk waste that residents
dispose of annually that could be repurposed or reused is costly, wasteful and abundant. Troy can make a significant reduction to the waste stream through reduced labor for cleaning up large bulk dumping and decreased tip fees. This will reduce the financial and environmental impact on the City. Additionally, this waste stream reduction will give taxpayers access to a secondhand market to provide multiple life cycles to usable goods before they become waste.

A reuse center is an opportunity for public-private partnership. The City does not have the financial resources to launch its own at this time, but the need for such an enterprise is apparent. The development of a reuse center, coupled with the incentive-based pricing changes discussed later in this section, will offer residents a low cost or no cost option for disposal of large usable items.

Development of a Troy reuse center should be prioritized because of the financial, environmental, and public benefit that would be achieved. The research and development of a reuse center should be analyzed and prepared for the City in conjunction with the Solid Waste Advisory Board to be presented at the first annual reporting update in 2020. In addition, partnering with established restore centers that take donated goods should be encouraged by the City in order to immediately reduce our waste stream. This could be accomplished through a public-private partnership at the Alamo site.

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Explore Reuse Center Options within City Limits and Generate a Report on Feasibility in 2020 Update

i. Administrative/Technical
   a. Quantitative and qualitative impacts - The bulk waste quantity was 1791 tons in 2017. If a quarter of this was reusable, 400 tons would have been diverted from the landfill stream into a second hand market. As a qualitative note, the option should also reduce the incorrect disposal of bulk material on Troy streets.
   b. Facility or program needs based upon the projected quantities and composition of waste – The Solid Waste Advisory Board will need to convene, research, and report on this over a two year period. This report will expand on necessary requirements.
   c. Summary of the cost data used for evaluation including life cycle analysis – The Solid Waste Advisory Board does not receive financial payments, so the cost of this report will be nothing. The life cycle of the analysis will cover the rest of this planning period (2020-2028).
   d. Impact or effect on natural resource conservation, energy production and employment creating opportunities – The creation of the report will not impact any conservation efforts, energy production or employment opportunities. It will tie the public into the process through the Solid Waste Advisory Board and the resulting reports recommendations
should have positive impacts on resource conservation and employment creation opportunities.

ii. Jurisdictional Impacts – neighboring planning units and municipalities effect on or how it affects them

a. An assessment of interest in participation by other planning units – Municipalities and planning units have not shown any interest in participating in the report. The resulting report’s reuse center should garner interest from neighboring municipalities and planning units.

b. Alternatives that would be available if planning units participated – In the event of planning unit partnership on the report, it would increase the stakeholders at the table for location discussions.

c. Comments and recommendations received from any neighbors – None at this time.

d. Assessment of the environmental justice impacts within the planning unit - None at this time. An environmental justice component will be a part of the recommended report.

7) Selected Alternatives

i. Alternative chosen and reason why – A report on a reuse center would not have been able to be produced quickly and without error in time for this plan. With the creation of a Solid Waste Advisory board, as per this plan, using the public board to create a report was deemed the best option.

ii. Detailed description of procedures for implementation – Over 2019, the board will meet monthly to go over the details of the report. In 2020 January – March, the report will be finalized and in April 2020 it will be generated.

iii. Identification of expected qualitative and quantitative impacts - See above.

iv. Assessment of the impact of the proposed recyclables recovery effort – See above.

v. Identification of the administrative, financial and contractual requirements for this program’s implementation – The recycling coordinator will be required to sit on the board and assist in the report creation process. Beyond the labor, this report does not have any financial or contractual requirements.

vi. Identification of any new or modified laws ordinances or regulations that may be required to fully implement the alternative - The report does not require any changes to current laws. The Solid Waste Advisory Board does require a law change which is attached.

Article VI
Solid Waste Advisory Committee
At the direction of the Mayor a Solid Waste Advisory Committee shall be established. Committee will be composed of six residents of the City who are not employees of the City who are appointed by the Mayor and/ or such other City employee having specific knowledge of solid waste issues. The resident members will serve without compensation. The Mayor will appoint a City employee member to sit on the committee to act as a liaison.

The Committee members may select a Chairperson by a majority vote. Two members of the Committee shall be appointed to four year terms, two members to three year terms and two members to two year terms. Each member shall be able to serve additional terms if willing to do so and if reappointed by the Mayor. The committee may establish its own rules.

Sec. 247 — 22. Responsibilities and Duties.
ORD#102
The Committee shall be responsible to conduct annual reviews of the design and implementation of the City of Troy’s Solid Waste Management Plan and to provide recommendations and advice to the Mayor and City Administration for the improvement of the SWMP and its’ implementation as the Committee deems appropriate in connection with the annual updates. The Committee shall also be responsible to assist in the preparation and drafting of the next Solid Waste Management Plan to be issued in 2029 and to conduct the annual review process thereafter with respect to that plan. The Committee shall also provide advice and recommendations to the Mayor and the City Administration regarding various solid waste issues that may arise and that are not covered in the Comprehensive Recycling Analysis.

Sec. 247 — 23. Assistance of City Departments.
The committee through its Chairperson may request and shall be entitled to the assistance of various City Departments and shall be provided with information necessary and relevant in order for the Committee to perform its responsibilities with respect to the long term Solid Waste Management Plans and other solid waste issues.

Sec. 247 — 24. Reports.
The Committee will provide an annual report at a minimum to the Mayor regarding its review of the implementation of the Solid Waste Management Plan including any unforeseen problems associated with such plan. The Committee will provide a draft bi-annual report to the Mayor intended to be submitted to the State. The Committee may provide additional interim reports as it deems appropriate regarding the Solid Waste Management Plans or other solid waste issues.

vii. The inclusion of actions to be taken to maximize of economic markets of recyclables recovered – The report will not require any actions. The report itself will address this question in relation to a reuse center

viii. Identification of the public education and related programs undertaken for implementation – The report will not require any actions. The report itself will address this question in relation to a reuse center

5.3 RECYCLABLE RECOVERY PROGRAMS

5.3 – Recommendations for implementation by city
● monitor international recycling changes – Annual reports to city in each year of plan
● explore regional solutions to managing recyclable materials
● research and report on a modernized recycling collection system in 2024
● monitor and expand as needed textile recycling pilot program
- Consideration of re-opening the Alamo in 2020 as a full recycling center with proper state approval

### 5.3.1 International Recycling Changes

In January 2018, China, the largest global importer of recycled materials, implemented a .5% contamination rate limit across all imported recyclable material. This unexpected change in material restrictions had a significant and immediate impact on the global market, causing countless tons of recyclable materials to build up on boats, in ports, and in recycling centers worldwide. This backlog of material resulted in buyers having their pick of clean material and leaving contaminated material to stockpile.

Single Stream Recycling (SSR) is a convenient way of collecting recyclable materials without the demands of source separation. It also eliminates the visual inspection of each bin for contamination at its source. This has resulted in a higher average national contamination rate in SSR, compared to other sorted recyclables. SSR is the “dirtiest” type of material and is first to experience backlogs due to decreased demand in international markets. As a result, municipalities invested in SSR programs have or will begin to experience dramatic changes in the availability of buyers, as well as significant cost increases to provide SSR services.

The waste and recycling industry in the United States is seeking new solutions to the current market problems. It is likely major industry stakeholders will establish recyclable processing centers nationally for recycled materials in the future. However, there will be a period where other markets must fill in the void left by China. It is during this period that there is the most uncertainty. The duration of this period is unknown, which makes for difficulties in planning. However, the City of Troy is using this period as an opportunity to explore alternatives to the current system with the same interest that was given to SSR. Alternative services like composting, C&D recycling, reuse centers and waste reduction initiatives are given a front seat for consideration and implementation.

Shifts in the global recycling market do not mean that recycling will end. Neither speculation, nor abandonment of recycling systems will benefit the situation. The City of Troy is fortunate and appears to be protected from dramatic pricing impacts of local SSR changes. The City’s contract which establishes it as a designee through the TLDC with County Waste, the entity that operates the transfer station, guarantees a zero dollar ($0) tip fee for recyclables through their lease term ending in 2024 with two opportunities for renewal. This gives the City a minimum of 5 years to implement alternatives changes in SSR outlined in this plan and continue to monitor changes in the SSR markets locally, regionally, and nationally.

The City will develop reports annually, as required by the DEC’s CRA stipulations, which will also outline the SSR situation. While the need to modify approaches to recycling will not go away, it is not a problem that the City of Troy faces alone. The City should
explore a regional approach to solid waste. Aside from the economies of scale to be realized through the consolidation of recycling efforts, areas of New York State that have active regional solid waste authorities or agencies were not as impacted by these international changes.

These recommendations should assist the City at least through 2024 to achieve its stated objectives. Though the duration of the period of uncertainty in the recycling industry is unknown, the City has ample time to monitor, prepare and carefully plan for the situation.

5.3.2 Recovery Programs (Paper, Metal, Glass, Plastic and Textiles) and Recycling Center

The City has provided the collection of recyclables since 2001. The City has two recycling trucks that serve residents; the vehicles are over 10 and 15 years old, respectively, and both require significant maintenance and upkeep. With uncertainty in the global recycling market expected to continue, any overhaul of Troy’s municipal recycling collection system should be undertaken carefully. Research into a modernization of citywide SSR collection was underway in early 2018. The City will ensure the development of a plan that can be modified to navigate the new and rapidly changing markets. A new modernization plan of recycling collection will be researched and reported on in 2020.

A pilot textile recycling program was launched by the City in July 2018. Four containers were placed strategically around the City, in the Eastside, South Troy, Downtown, and Lansingburgh neighborhoods. The program is still in its infancy and no data has been generated yet. However, through education and outreach the expectation is to be able to increase the number of available textile containers. By supplementing the other textile donation programs throughout the local area, the City aims to increase awareness and access to the bins for residents. This will have the desired effect of diverting textiles from the waste stream.

The City currently utilizes the Alamo site as an exempt municipal transfer station to handle bulk waste, yard waste, scrap metal, electronic waste and tire recycling. The Alamo was historically open to the public for the disposal of waste and recyclable material, but does not currently provide effective site management or proper oversight. The reopening of the Alamo as a transfer and processing center for recyclable materials, compliant with NYSDEC regulations would be a great benefit to the City’s solid waste management program.

The reopening of the Alamo to the public on a regular schedule with a site plan, NYSDEC approval, and proper management is a process which the city is currently exploring for viability. The major cost to the City would be the purchase of the site from the TLDC. The most recently appraised value was $115,000. The purchase of the Alamo site does not have to occur before the recycling center opens. There will be no new equipment needed for the site and, at present, no major facility updates are required to reopen the site.
If the Alamo is opened to the public, NYSDEC requires that the site be staffed during public hours. The site is currently staffed with a HMEO, but not on a regular schedule. The City will be considering the purchase of the Alamo site from the TLDC within the next 4 years.

To ensure state compliance (as well as for reasons of ethics and environmental stewardship), available recycling options on site must be expanded because source separated recycled materials are still considered a commodity. It is also an opportunity to create employment opportunities, both in the materials separation sector and the sales of such commodities. Unlike SSR, the City should incur no additional costs. The diversity of these recycling options will be based upon the 2019 recyclable markets. Minimally, the items to be considered for acceptance here will include: sorted paper products, cardboard, glass, plastic, bulk plastic, electronic waste, tires, yard waste, and scrap metal. The City will make the determination of materials collection based on margin and viability. Any materials not processed by the City will continue to be handled by County Waste or other recycling partners. The benefits of owning this site may be even greater when considering other potential uses outlined in this section.

The City must monitor the SSR markets and maintain the current program with two major updates on a two and four year time line with an emphasis on continuing the County Waste lease through another five years beyond 2024. The city is considering whether the location for the recycling programs, including electronic waste, tire recycling, scrap metal recycling, textile recycling, yard waste diversion, should remain at the Alamo (while purchasing the site from the TLDC), or moved to an alternative site; with the options of potential expansion of recycling options on site to include sorted paper products, cardboard, glass, plastic, and bulk plastic for public use.

The timeline for reopening the Alamo on a limited basis is currently unknown. Additional cleanup and consideration of other locations will be assessed first. If the City follows this recommendation, it will achieve one of the objectives of this plan: to establish a recycling center.

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Monitoring and reporting on external and internal recycling factors with reports issued in 2020, 2022 and 2024

Open a processing /transfer facility for recyclable materials with state approval for a limited basis, beginning in 2020 or early 2021.

iii. Administrative/Technical
   a. Quantitative and qualitative impacts- The reports will give the public regular data and updates on the status of solid waste and recycling in the City. This is type of regular information will be new to the City and should increase interest in waste, waste reduction and recycling. The Recycling Center will allow the public to drop off bulk waste, recyclables (metal, plastic, paper and e-waste), and yard waste. By adding this facility,
the City can capture the 1700 tons of bulk material, much of which is usable furniture, and increase the recycling rate by incrementally decreasing the MSW amounts.

b. *Facility or program needs based upon the projected quantities and composition of waste* – The Solid Waste Advisory Board (SWAB) will need to continue and develop reports in collaboration with the City. The recycling center will utilize a pre-existing waste facility, the Alamo, and work with the State to have any necessary permits to open it to the public on a limited basis in the first two years.

c. *Summary of the cost data used for evaluation including life cycle analysis* – There are no costs associated with the reports as the SWAB does not get paid. The recycling center will not cost extra to run as the city employee staffing the facility is already present to manage city waste on site. As the recycling center grows and brings in more material, more investment can be made into the facility at the discretion of the City.

d. *Impact or effect on natural resource conservation, energy production and employment creating opportunities* – The reports will not have any effect on natural resource conservation or energy production. They will not have a direct impact on employment creation; however, the experience of such a committee may increase desirable traits for a person seeking a job. The recycling center will not create any energy or immediate employment opportunities. It might increase employment opportunities if the City decides to expand hours of operation and increase labor on site.

iv. *Jurisdictional Impacts – neighboring planning units and municipalities effect on or how it affects them*  
a. *An assessment of interest in participation by other planning units* – No assessment was conducted of interest by other municipalities – it will be explored in the reports.

b. *Alternatives that would be available if planning units participated* – More materials flowing through the recycling center could increase the revenue available to the City to increase the services the center offers.

c. *Comments and recommendations received from any neighbors* – None.

d. *Assessment of the environmental justice impacts within the planning unit* – There are not any negative environmental justice impact created by either of these two alternatives.

7) *Selected Alternatives*  
i. *Alternative chosen and reason why* - Monitoring recycling markets and developing annual reports was chosen due to the need for greater information in regard to changes in the recycling “climate”. Opening up a recycling center within the City for no immediate costs seems to be a simple straightforward option without placing financial burden on the City or taking years to develop a larger solution.

ii. *Detailed description of procedures for implementation* – Once the Solid Waste Advisory Board is convened in 2019, the research and reporting will commence. The reports will be issued in 2020, and annually, beyond. The recycling center will need to have a site plan on file with the City and the State. In addition to this any permits, registrations, and exemptions need to be identified for what materials can be handled at the site. Finally, an operating schedule will need to be set up before opening.

iii. *Identification of expected qualitative and quantitative impacts* – See above.
iv. **Assessment of the impact of the proposed recyclables recovery effort** – The recycling center will give the public a secondary option for recycling beside curbside pickup for greater separation choices.

v. **Identification of the administrative, financial and contractual requirements for this program’s implementation** - The Solid Waste Advisory Board will conduct the research and reports. The Sanitation Bureau, within the Department of Public Works, will handle the recycling center, with one of the heavy operators acting as the on-site contact and the recycling coordinator acting as the on-call contact and fill in.

vi. **Identification of any new or modified laws ordinances or regulations that may be required to fully implement the alternative** – None.

vii. **The inclusion of actions to be taken to maximize of economic markets of recyclables recovered** – This will be addressed after usage is taken into account of the recycling center. **Identification of the public education and relations programs undertaken for implementation** – The reports will increase public education and relationship with solid waste as they will give the recycling coordinator the opportunity to continue to provide information to the public on a regular basis. The recycling center will act as a public relations program simply by being open and available, showing the City is committed to recycling and waste reduction.

### 5.4 Organics Recovery Programs

5.4 – Recommendations for implementation by city

- partner with local non-profit organizations to establish food gleaning programs to recover usable food for redistribution and human consumption
- maintain clean mulch and compost product
- expand food waste drop off program at location to be determined
- partner with an established composting vendor to test viability of managing a small-scale aerated static pile facility until such point as the city is able (with qualified labor and/or qualified volunteer facilitators) to manage and process the organic materials from intake through output.
- pilot food waste collection program in 2021
- explore regional solutions for food waste over planning period

The City does not currently have a municipal organics recovery program. To supplement community and privately offered programs, the following recommendations are proposed:

The City will develop viable partnerships with local non-profit organizations and agencies to assist in the development of food gleaning programs. This will divert food for its highest hierarchical level: human consumption.

The City has been collecting yard waste and brush from the residents for decades. This material accumulates annually and is mulched and hauled away.

Locations for a proposed compost facility are currently in exploratory phases. Once enough information has been collected, the most prudent location will be determined. This
site is not expected to accommodate much material in the pilot and early phases of the testing; however, it is important to test operation and management before expansion. This test will be conducted over the course of 2020 and 2021. If this is a successful pilot, and a clean mulch and compost product can be manufactured, the City can begin a pilot collection program for SSO to begin in 2021.

The reason for what might appear to be an extended timeline for the implementation of a food waste recycling program pilot in Troy is that SSO collection programs require processors to accept the collected material. The lack of food waste processing locations like compost facilities or anaerobic digesters is the greatest limiting factor to the collection process. Therefore, it is important that material can be processed internally in order to maintain a municipal collection program.

If the manufacturing of compost and mulch is successful between 2020 and 2021, the location can become a registered facility which would allow for the acceptance of the maximum quantity of material. Currently, after grinding, there are approximately 2,000 yards of material. Based on the testing, this could result in the acceptance of up to 500 yards of food waste annually or approximately 10 yards of food waste per week at the site. Based upon industry averages of household generation of food waste, a site could handle a pilot SSO collection program of 250-400 households. A Pilot for these households would operate until other food waste processors are started or established. A report outlining an expansion will be presented at the second annual update in 2021.

The expansion of food waste processors locally would be beneficial not only to the City of Troy, but also the region. A regional approach to food waste management, in conjunction with other solid waste practices, would diversify the options for local municipalities when it comes to best practices in “reduce, reuse, and recycle.” Rather than all local municipalities relying on a single large processor of a single type of material, a network of regional food waste processing facilities could potentially manage the total amount of organic waste produced in the City of Troy and the Capital Region. The single regional processor approach has led to problems like the Albany landfill price escalations at County Waste’s material recovery facility. A diverse regional approach will ensure that Troy has access to food waste processors in the future.

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Collect and process yard waste from the City internally into mulch and compost, expanding to include food waste drop off and eventual food waste collection into this process.

v. Administrative/Technical
   a. Quantitative and qualitative impacts- The creation of a yard waste processing area through mulch and compost is intended to eventually create an avenue for food waste to be used as a feedstock and to increase the size of the facility to take in non-municipal
yard waste. These eventualities will have direct impacts on the waste stream once they are implemented.

b. **Facility or program needs based upon the projected quantities and composition of waste**
   - The anticipated needs of this program will be in a location to be determined after complete comparisons of benefits and challenges have been assessed. Other materials needed for the program to be implemented are already on site or owned by the City, including a loader. The addition of the food waste drop off would require further oversight relating to managing the process. The eventual collection of food waste and usage of the site as such will require further permitting or registration with the DEC and either private partnership for the collection or investment in collection vehicles.

c. **Summary of the cost data used for evaluation including life cycle analysis**
   - The compost and mulch plans will not incur any additional costs since the movement of yard waste in unground form was always part of the work requirements of the heavy operator at the designated location. The eventual expansion of services to food waste collection will require analysis by the Solid Waste Advisory Board (SWAB) to give exact cost data. Food waste drop off by the public at the designated location for composting will not cost anything, but will require additional labor by the heavy operator to the amount of one hour per day open to the public.

d. **Impact or effect on natural resource conservation, energy production and employment creating opportunities**
   - This recommendation will not have immediate impact on energy production or employment opportunities. It does create opportunities for natural resource conservation related to yard waste and food waste streams and the introduction of local compost and mulch into the City. In the future, the food waste diversion and collection alternative will create employment opportunities. Exactly how many will be discussed in the report by the SWAB.

vi. **Jurisdictional Impacts – neighboring planning units and municipalities effect on or how it affects them**

   a. **An assessment of interest in participation by other planning unit** – No assessment was conducted.

   b. **Alternatives that would be available if planning units participated** – If other planning units participate in the alternative, a larger facility would be needed, but would also be justified.

   c. **Comments and recommendations received from any neighbors** – None

   d. **Assessment of the environmental justice impacts within the planning unit** – Increased access to edible food, clean mulch and compost may allow people who have not had prior access to this food availability, clean soil in their yards to begin gardening and learning about these processes and remediating soils that have not had quality materials added to them in a number of years.

7) **Selected Alternatives**

   i. **Alternative chosen and reason why** – See above

   ii. **Detailed description of procedures for implementation** – A site management plan will be worked on in collaboration with NYDEC by Spring of 2021

   iii. **Identification of expected qualitative and quantitative impacts** – See above.
iv. **Assessment of the impact of the proposed recyclables recovery effort** – The expansion of yard waste operations through a mulch/composting program should increase the future likelihood of this collection program continuing. It also allows the opportunity for the City to manage some food waste drop off and future collection processes. These all tied in together can account for over a quarter of the waste stream if implemented citywide. Although this alternative does not address a citywide approach, but it is the beginning of a program that could become one.

v. **Identification of the administrative, financial, and contractual requirements for this program’s implementation** – The Sanitation Bureau within DPW, specifically the recycling coordinator, will oversee the implementation of this project. Financially, the program will not cost anything more. However as it moves along, it will cost additional labor to expand the program if desirable. Contractually, it will not require any until a pilot food waste collection program is deemed doable. This is expected to be decided on by the City and the SWAB in 2022.

vi. **Identification of any new or modified laws ordinances or regulations that may be required to fully implement the alternative** - None.

vii. **The inclusion of actions to be taken to maximize of economic markets of recyclables recovered** - The expansion of operations outside of the City and its residents can maximize potential economic markets of the recyclables. Allowing private and other municipalities to pay the City to drop off yard waste or food waste at the site, if the site can handle it, would maximize the economic market.

viii. **Identification of the public education and relation programs undertaken for implementation** - Having an in-house mulch and compost facility opens the opportunity for the City to tour the site with the public and have demonstration days to educate the residents and others on the process of composting, mulching and food waste/yard waste management.

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5.5 **C&D REDUCTION INCLUDING DECONSTRUCTION, REUSE AND RECOVERY PROGRAMS**

5.5 – **RECOMMENDATIONS FOR IMPLEMENTATION BY CITY**

- CREATE DECONSTRUCTION PERMIT
- ESTABLISH FIRST TIME HOMEBUYER C & D EDUCATION PROGRAM
- CREATE DATABASE OF ALL RECYCLING, REUSE, SALVAGE AND DECONSTRUCTION SERVICES

The City of Troy does not currently have any construction and demolition recycling. Many successful municipal guides exist for C&D recovery and recycling. Because the City of Troy has no preexisting C&D recycling infrastructure, it will be important to establish protocols for this recycling method. Construction and demolition debris is a constant element in a legacy city like Troy. Whenever the City’s unique architectural history and building materials can be salvaged or recycled, they should be. This can be facilitated through a C&D recycling facility and expanded deconstruction education. The EPA has found that “[i]f residential housing designed from 2000 to 2050 allows for the recovery of just 25% of construction debris, the resulting material would be enough for nearly two-thirds of the housing units built over the following 50 years.”
Deconstruction permits give contractors the opportunity to take apart a building to sell, recycle, or landfill parts in individual pieces instead of landfilling an entire building through demolition. It is recommended that the City create a deconstruction permit that is cheaper than the current demolition permit. Adding this permit will educate contractors and property owners who are unaware of the deconstruction option. The end goal is to achieve a construction and demolition recycling rate, separate from SSR. Due to low utilization rates, the City has no C&D recycling-related data. Once hauler permits are updated and enforced, the City can begin capturing C&D data which will allow for analysis to establish baseline recycling rates. Syracuse, NY has a deconstruction permit and RFP that should be considered when the City develops its own C&D program. The timeline for creating the deconstruction permit should be the end of 2019. A deconstruction request for proposal, in addition to a demolition request for proposal, will take more time to research and should be done before the 2021 bi-annual update fulfilling the related objective of this plan. The goals of these RFP’s are to create an option other than demolition that results in materials being recycled and reused.

First-time homeownership is growing in the City of Troy. C&D deconstruction and salvage opportunities are not properly taught to residents or future residents who attend first time home buyers’ workshops. Working with first time homebuyer programs on a C&D education program will give the City the opportunity to educate potential buyers to proper recycling techniques for construction debris.

Related to this, an online resource of all available C&D recycling, salvage, and deconstruction services will be published by the City. This clearinghouse should include all recycling, reuse, and reduction services available within the region. This clearinghouse should be finished before the end of 2019, with annual updates to add or remove information as needed.

Establishing a recycling and C&D recycling clearinghouse and creating first time homebuyer education surrounding deconstruction fulfill the objective of this plan related to increased public outreach and education. Achievement of this objective will be explored with local non-profit partners such as TRIP, CEO, TAUM, and others.

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Creation of a deconstruction permit, C&D education program and an online database for C&D recycling services

vii. Administrative/Technical

a. Quantitative and qualitative impacts- The three alternatives will not have immediate quantitative impacts. They will, however, increase awareness of what construction and demolition recycling and reuse options are available in the City. In doing so, this should
eventually have a quantitative impact, which will be measurable after these steps are taken.

b. Facility or program needs based upon the projected quantities and composition of waste
   – The deconstruction permit will be modeled after the Syracuse permit and will just require a verification program to ensure the permit is being used for deconstruction. The education and database will be created by the recycling coordinator and will not need anything except regular offerings and updates.

c. Summary of the cost data used for evaluation including life cycle analysis- None as there is no financial investment required. The cost impact or savings from these programs will be collected over the planning period.

d. Impact or effect on natural resource conservation, energy production, and employment creating opportunities- There is no expected energy production, however, there would be employment opportunities created by implementation of this objective. The diversion of construction and demolition debris from the landfill is expected to have a positive impact on the local reuse market for resource conservation.

viii. Jurisdictional Impacts – neighboring planning units and municipalities effect on or how it affects them

   a. An assessment of interest in participation by other planning units – No assessment was done.

   b. Alternatives that would be available if planning units participated- The alternatives chosen do not require planning unit participation. The database will feature all available vendors from across many planning units.

   c. Comments and recommendations received from any neighbors- None.

   d. Assessment of the environmental justice impacts within the planning unit- The impact of this type of permitting would establish a baseline of safe and required handling of materials in locations which had no such protections previously.

ix. Selected Alternatives

   i. Alternative chosen and reason why-The three alternatives listed above were chosen in order to increase awareness of construction and demolition reuse and recycling. Taking this initial small step of creating a permit, homeowner education courses, and an online database of services seems simple, doesn’t cost anything, and would increase awareness.

   ii. Detailed description of procedures for implementation - In 2019 and 2020, the database and the C&D education will begin. Both will become available before the end of 2021. The form of education will either be in online information or courses, community meetings, webinars, or other outreach options facilitated and promoted by the recycling coordinator, the Solid Waste Advisory Board and affiliated partners. The deconstruction permit will be created and enacted in 2020. It will use the Syracuse permit as an example.

   iii. Identification of expected qualitative and quantitative impacts - See above.

   iv. Assessment of the impact of the proposed recyclables recovery effort - The hope is that by increasing awareness of the alternatives to landfilling construction and demolition debris, the debris will not become waste at all and will enter into the reuse market. The effects of these
alternatives on the construction and demolition stream will not be known until the end of this planning period.

v. Identification of the administrative, financial, and contractual requirements for this program's implementation - The Sanitation Bureau and the recycling coordinator will oversee the education and the database. The deconstruction permit will be issued through the City Clerk’s office in collaboration with the recycling coordinator.

vi. Identification of any new or modified laws ordinances or regulations that may be required to fully implement the alternative - Regulation changes will be made to current demolition permits in 2020, so they will be more expensive than the new deconstruction permits.

vii. The inclusion of actions to be taken to maximize of economic markets of recyclables recovered - The reuse alternatives in 5.1 will assist in the maximization of the economic markets related to the alternatives suggested.

viii. Identification of the public education and relation programs undertaken for implementation - The online database and the C&D education will both act as education and public relation programs. The recycling coordinator will oversee the implementation of these programs as part of accomplishing this objective before the end of 2021.

5.6 Incentive Based Pricing

5.6 – Recommendations for implementation by city

● consolidate all solid waste collection procedures under City Code Ch. 247
● issue annual tip fee outlining acceptable bulk collection items and disposal costs
● create base hauling fee for bulk collection based upon yardage and items
● create sanitation fund to separate waste costs and revenues from general fund
● develop and implement hybrid p.a.y.t. system: 2020 report, 2021 implementation
● eliminate solid waste management fee sunset clause with potential reduction of fee upon implementation of PAYT

5.6.1 City Code 188 and 247 – Bulk Pricing Adjustments

Chapter 247 of the City Code addresses solid waste and municipal collection. In Part 188: Littering, the code covers collection of bulk materials. This section does not clearly outline the system for bulk material collection. As such, it should not only be moved to 247, but also be rewritten to provide a clear outline of how the City collects bulk material, an explanation of the services it offers, and related costs.

NYSDEC recommends exploring the concept of incentive based pricing for solid waste management. This is based upon the S.M.A.R.T. method of waste reduction (Save Money and Reduce Trash) outlined in NYSDEC’s 2009 “Beyond Waste” State Solid Waste
It is recommended that the City adjust its bulk collection as follows to incentivize waste reduction and reduce solid waste costs.

The City will issue an annual tip fee sheet, outlining the cost of disposal for all waste items with pricing adjusted based on market conditions. Each item will have a tip fee attached to it. The starting list will consist of: 30 gallon contractor bag, single bulk refuse items, appliances with Freon, appliances without Freon, 30 gallon bag C&D, tree debris above 3 feet in length and 12 inches in diameter, and tires (with and without rim). There will be separate categories for: electronic waste, household hazardous waste, and propane tanks. The goal of itemizing this list annually is to increase awareness of the actual costs of disposal related to each item. The intention of tip fees is that all of the above material will be accepted at the listed price, whether handled at a city-run site, or hauled to an alternate site. This is the least expensive option of disposal for tax payers.

The next least expensive option will be to schedule a bulk collection at a residence with the City DPW dispatcher for a hauling fee based upon the amount of material collected. The price will be a hauling fee based on the yardage plus the tip fee schedule. The hauling fee will be adjusted annually on the tip fee schedule. Establishment of a clear hauling and tip fee procedure for waste collection fulfills objective 4 related to enforcement of illegal dumping and trash violations outlined in City Code Chapter 188. If a bulk collection is not scheduled with the City, it will be considered a first offense violation. A violation fee will be attached to the tip fee and the hauling fee.

All of these procedures will provide property owners with a clear and consistent system to allow for the collection of bulk material by the City. The City will continue to offer free collection days of certain materials like household hazardous waste, electronic waste, scrap metal and more. The City may choose to offer a free bulk collection service for either a scheduled month or day. These recommendations should assist in the fulfillment of the objective of this plan to create clear solid waste processes.

5.6.2 Sanitation Management Fee and Sanitation Fund

In 2000 and 2012, two separate reports were issued concerning the City of Troy’s solid waste situation – one regarding municipal composting, the other outlining the benefits of PAYT. Both of these reports recommended the removal of solid waste costs from the general taxes to delineate the exact costs of solid waste disposal to the taxpayer. The City of Troy complied with these recommendations in late 2017. A Sanitation management fee was established in 2018. The law has a sunset clause of 1 year.

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It is recommended that the solid waste management fee remain in place as a permanent funding source for sanitation and a stepping stone to Pay as You Throw, in accordance with NYSDEC and other previous recommendations. This sanitation management fee will continue to increase public awareness of the cost of municipal solid waste collection and serve as a foundation for the establishment of a PAYT system.

In addition to keeping the sanitation management fee in place it is recommended that the City set up a separate fund for sanitation. This sanitation fund will account for all related solid waste expenses and revenues. By establishing such a fund, the future of solid waste will become financially stable and ensure that Sanitation operates outside of the General Fund. The department is in serious need of large equipment upgrades. The establishment of a separate fund will ensure that these large capital investments will occur as necessary rather than relying on consistently deteriorating collection vehicles that are over a decade old for critical collection services. Additionally, potential future tip fee revenues and recycling savings can be made more transparent in the Sanitation fund.

These recommendations are in the best interest of the Sanitation Bureau and the property owners in order to ensure the City continues to reduce MSW and increase recycling rates, while properly managing its waste collection department. The creation of a separate sanitation budget fund, continuation of the SWM fee, and streamlined billing procedures will assist in the fulfillment of the objective of this plan to create clear processes for the City and property owners and to increase appropriate participation in the collection process.

5.6.3 Pay As You Throw (PAYT)

The PAYT model of solid waste collection has been recommended to the City in conjunction with the sanitation management fee. The success of PAYT systems is evidenced in both the State and in the Country. PAYT systems reflect an equal and fair method of waste disposal that bases costs on actual volumes or weight.

There are two primary methods of PAYT systems. One refers to a bag system through which a municipality only collects solid waste that is put out in a specific type of bag designated by the municipality. These waste bags are sold in various locations within the municipality. The sale of bags covers the cost of waste collection for the entire municipality. The City of Utica, NY currently utilizes a hybrid PAYT bag system, where they are billed an annual solid waste management fee and pay per bag.

The other primary PAYT system refers to a volume-based method which utilizes carts. In this system every property owner is given the opportunity to utilize a select size of cart for their specific needs. The carts vary by size – as small as 13 gallons and as large as 96 gallons. The size of the cart that is serviced weekly indicates the waste costs. The property owner is able to change their cart size based on trash volumes. Buffalo, NY, and San Francisco, CA currently utilize a hybrid of this cart-based PAYT method, where they are
billed an annual solid waste management fee and pay a different annual fee per cart used depending on the size of the cart.

From a collection and management standpoint, the differences between these two types are drastic and involve very different forms of investment. There are many examples of municipalities that have found success with PAYT systems that should be reviewed for research. The prior separation of the SWM fee has positioned the City for the implementation of a hybrid PAYT program.

The City should develop and implement a PAYT system for its residents to create fair and equal costs for property owners related to solid waste services. This process will involve a full cost-benefit analysis of all types of PAYT systems, including how each would operate within the City of Troy and potential costs of implementation. The breakdown and analysis, together with delivery of a subsequent report and decision, will occur in 2019 and possibly into 2020, with implementation of the selected PAYT system during 2020, or early in 2021.

Regardless of which system is ultimately chosen, a hybrid PAYT system creates incentive-based pricing while passing along potential savings through reduction in the volume of solid waste disposal. This methodology separates out costs into an annual sanitation management fee and PAYT costs. The sanitation management fee covers capital expenses, the cost of hauling material, debt services, and other fixed expenses.

The PAYT fees are intended to cover variable costs, the tip fees, and fluctuating costs in the recycling marketplace. In this way, the PAYT fees can fluctuate annually based upon usage, changes in waste costs, and savings based upon recycling. The hybrid PAYT system will ensure that sanitation is properly funded while allowing for the fair and equitable cost allocation and potential savings to be shared by property owners.

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Bulk collection tip fee schedule, sanitation fund, and Pay as You Throw research/report with implementation

x. **Administrative/Technical**
   
a. **Quantitative and qualitative impacts** - These alternatives will have a quantitative impact of reducing the city’s solid waste stream. Incentivizing waste reduction through financial means reduces waste. The exact numbers are not known, but will be discussed in the Pay as You Throw report. The quality of the City’s solid waste program is also expected to improve as the City will be properly funding its sanitation department and “extra” services will be priced accordingly.
   
b. **Facility or program needs based upon the projected quantities and composition of waste**
   – There are no facilities needed to implement these alternatives. The program needs are
related to public education and internal management of the new system. The Solid Waste Advisory Board will be convened regularly in 2019 in order to finish the report on Pay as You Throw in a timely manner.

c. **Summary of the cost data used for evaluation including life cycle analysis** - There is no cost data related to these alternatives at this time. There are no known costs in implementing the programs besides changes in labor practices and associated revenue from these changes. The unknown costs associated with this analysis are dependent on the type of PAYT system selected.

d. **Impact or effect on natural resource conservation, energy production and employment creating opportunities** - There are no effects on natural resource conservation, energy production, or employment opportunities related to these alternatives.

8) **Jurisdictional Impacts – neighboring planning units and municipalities effect on or how it affects them**

9) **An assessment of interest in participation by other planning units.** - Neighboring planning units were not consulted regarding these alternatives.

e. **Alternatives that would be available if planning units participated** - These alternatives do not lend themselves to partnering with planning units, until an expansion of recycling collection systems is made.

f. **Comments and recommendations received from any neighbors** - None

g. **Assessment of the environmental justice impacts within the planning unit** - The PAYT program will address its own environmental justice impacts.

10) **Selected Alternatives**

i. **Alternative chosen and reason why** - The alternatives are: issue an annual tip fee schedule that outlines the costs associated with non-regular waste collection and disposal (bulk collection), creation of a sanitation fund, and to research, report on and implement a hybrid pay as you throw system within the City. They were chosen as they assist in the financial stabilization of the solid waste system in Troy, while making the public aware of the costs of solid waste for the City in order to reduce the amount of waste being thrown out and, through that, the costs of solid waste services.

ii. **Detailed description of procedures for implementation** - The tip fee schedule and sanitation fund will both be implemented January 1 2019. Starting on that date, the policies related to sanitation funding within the City and the method of billing for bulk collection and how much it costs will all be adjusted. The pay as you throw alternative will be researched and reported on in 2019. Before the end of 2020, a decision will be made on what pay as you throw method is best for Troy. This method will then begin implementation in 2020 and 2021. The SWAB will perform the research and give their findings to the City for the report.

iii. **Identification of expected qualitative and quantitative impacts** - See above.

iv. **Assessment of the impact of the proposed recyclables recovery effort** – The bulk collection program is anticipated to increase the awareness of waste sufficiently to encourage the use of recycling centers and reuse programs. The PAYT program, when implemented, will also reduce the overall amount of material destined for the landfill. The report will predict the expected reduction based upon participation.
v. Identification of the administrative, financial, and contractual requirements for this program implementation - The sanitation fund will be the responsibility of the comptroller’s office as it is purely financial management. The tip fee schedule will be issued and managed by the Sanitation Bureau. The department will collect more data related to bulk collection. There are no contractual requirements with either of these alternatives. The pay as you throw program will require a large administrative and financial change when it is implemented. The extent of this will be researched and reported on by the SWAB in 2020.

vi. Identification of any new or modified laws ordinances or regulations that may be required to fully implement the alternative – In order to implement the tip fee schedule, the sanitation fund and the pay as you throw program, the Troy City Code will need to be updated. The pay as you throw report will make recommendations as to the way the new law will be worded in 2020. For the sanitation fund and the tip fee schedule, the laws will have to be changed to allow for the methods to be used. This will have to be done in 2019 for implementation in 2020 and 2021.

vii. The inclusion of actions to be taken to maximize economic markets of recyclables recovered – The tip fee schedule will include certain recyclable materials at a cost or for free, depending on the current state of recycling markets. This will adjust annually. The pay as you throw program will also account for the cost of recycling and compost collection in the report.

viii. Identification of the public education and relation programs undertaken for implementation - In order to properly implement the bulk collection changes, a public relation program will have to be undertaken in 2019 & 2020. The recycling coordinator will have already met with the necessary neighborhood groups to discuss the Solid Waste Management Plan including these recommendations. More will have to be done to reach a greater audience.

5.7 Waste Disposal Options

Waste disposal options such as landfilling within the city limits and combustion are not selected alternatives to the current system. The recommendation is to maintain current plans related to waste disposal options through the planning period (2019-2028).

Administrative/technical impact
a. Quantitative and qualitative impacts - These alternatives would not have a quantitative impact on reducing the city’s solid waste stream

b. Facility or program needs: None, this option is not being utilized

i. Summary of the cost data used for evaluation including life cycle analysis - There is no cost data related to not using these alternatives at this time.

ii. Impact or effect on natural resource conservation, energy production and employment creating opportunities - The likely effects to non-utilization of these options would be improved solid waste handling and a greater diversion percentage.
Jurisdictional impact

xi. Neighboring planning units and municipalities effect on or how it affects them
   a. An assessment of interest in participation by other planning units. - Neighboring planning units were not consulted relating to these alternatives.
   b. Alternatives that would be available if planning units participated - These alternatives do not lend themselves to partnering with planning units at this time.
   c. Comments and recommendations received from any neighbors - None.
   d. Assessment of the environmental justice impacts within the planning unit - None.

5.7.1 Municipal Solid Waste (MSW)

Significant investment and upgrades are necessary to ensure the City can continue to provide reliable solid waste services to the public. The following recommendations are made for MSW services:

- The City should continue to replace old equipment with new equipment at the optimum frequency relative to maintenance, operating, and capital costs. Data to support the replacement frequency should be documented. Examples from other municipalities should be available as a reference.
- The City should make available to residents, property and business owners clear information regarding all existing, proposed, and enacted waste and recycling processes. Information should be provided regularly and frequently and in various formats, including through traditional media and City-managed communication platforms. Given the large rental population, public outreach must go beyond property owners alone to reach the transient population in order to be effective.
- The City should create maximum weight and volume limitation rules for MSW collection from properties using municipal collection. These rules will help establish a maximum amount of waste a property owner can put out for collection by municipal services.

5.7.2 Bulk

Recommended changes to bulk collection have been outlined previously in this section. The City should continue to make the necessary equipment upgrades in accordance with the current capital plan in order to handle the changes in bulk collection which will be critical in the future.

5.8 Enforcement Programs

5.8 – Recommendations for implementation by city
- fill litter patrol officer (LPO) position
- advocate public’s role in reporting violations
• explore technology to ease reporting and create transparency and accountability
• require property addresses be visible at solid waste collection areas
• explore housing court creation to expedite solid waste violation processes

In conjunction with the articulation of clear cost and collection processes, the City of Troy must implement new rules governing the enforcement of MSW violations. The litter patrol officer is a position which has been vacant for over a decade. In order to ensure the efficacy of the new procedures, this position will need to be recreated and filled before the end of 2019. The litter patrol officer must have the same regulatory authority as a code officer, but will work within the Sanitation Bureau. Staff tasked with enforcing trash violations must work with Sanitation employees in order to maintain constant communication. Drivers and laborers generally witness most violations first and are able to discern patterns of violations in areas across Troy, e.g. alleys routinely utilized for illegal dumping or improper waste disposal practices.

The public will also serve an important role by participating in the process of reporting violations in their neighborhood and near their homes. This will work only if the public understands how to report a violation and that they must contact DPW to have certain materials collected to avoid a violation. A second litter patrol officer must be hired if violations warrant more enforcement. The timeline for update on control of violations will occur during the 2020 update.

There are a variety of additional tools available to municipalities which empower the public to take a greater role in reporting issues in their community. These technologies help cities identify and resolve a variety of reported issues more quickly while providing internal ownership of each problem. Platforms like SeeClickFix, CitySourced, City View and Citizen Connect allow the public to engage with the City on neighborhood issues, while expanding accountability for City staff to resolve reported violations, and generate valuable data for use by the municipality to analyze for future improvements to services.

Further assistance is needed to make positive changes to the City’s solid waste enforcement policies; the following recommendations are made to achieve this objective:

• The City should require that home addresses be visible wherever solid waste is collected. This ensures that the solid waste can be correctly identified with the property when a violation is issued.
• The City should invest in a streamlined and transparent form of reporting and enforcement. There are existing technologies, mobile apps, and programs that allow residents to report solid waste violations and other problems to the City publicly.
• Although not specific to solid waste, it is recommended that the City explore the possibility of establishing a dedicated housing court to expedite adjudication and payment of solid waste-related violations.
Fill and maintain the litter patrol officer position and utilize technology to ease reporting and increase the public’s role in reporting violations.

xii. Administrative/Technical

a. Quantitative and qualitative impacts. -The LPO will be the first major enforcement measure the City has taken toward its waste stream in the last 20 years. There is no data available related to current enforcement. These alternatives will both create waste enforcement and collect data through the reporting technology to allow for insights to quantitative and qualitative impacts on the waste stream. Expectation is that recycling numbers will increase and violations/fines will increase.

b. Facility or program needs based upon the projected quantities and composition of waste. -The alternative needs no new facility. The new technology will require staff training and the LPO will go through regular code training. Neither of these requires facilities or new programs.

c. Summary of the cost data used for evaluation including life cycle analysis. -The funding for the LPO employee was taken from a foreman who retired in 2018 and was not going to be replaced. The increased annual cost of the technology services is expected to be covered by the increase in issued violations and fines. Both are expected to be paid out throughout the planning period without changes in expenses.

d. Impact or effect on natural resource conservation, energy production and employment creating opportunities. -The LPO is a new job. Other than this singular job, no other natural resource conservation, energy production, or employment opportunities will be created with these alternatives.

xiii. Jurisdictional Impacts – neighboring planning units and municipalities effect on or how it affects them

Other planning units were not consulted in regard to these two alternatives. There are no local planning units that are expected to either benefit from or provide alternatives to these two recommendations.

xiv. Selected Alternatives

i. Alternative chosen and reason why. - Litter Patrol Officer and public reporting technology were chosen as the alternative because there are currently no formal solid waste enforcement programs and creating a formal single person to handle all enforcement is key. Additionally, tapping into available reporting technologies to manage all issues increases accountability to the public and responsiveness.

ii. Detailed description of procedures for implementation. - The City anticipates that the litter patrol officer position will be filled in by the end of 2019 with the technology also chosen and in startup phase in late 2019.

iii. Identification of expected qualitative and quantitative impacts - See above.
iv. **Assessment of the impact of the proposed recyclables recovery effort** - Enforcement is expected to reduce waste and increase recycling as materials that are commonly disposed improperly can be disposed of through recycling streams.

v. **Identification of the administrative, financial, and contractual requirements for this program’s implementation.** - The litter patrol officer will report to the Sanitation Bureau and will cost the city in total salary and benefits of $60 to $70,000 per year. However, a foreperson position that was retired in 2018 and it paid similarly is not being filled going forward. The position is also expected to increase revenue from fines and violations. The technology is budgeted for at $19,000 annually and is expected to also increase revenue from fines and violations to cover this added expenditure.

vi. **Identification of any new or modified laws, ordinances or regulations that may be required to fully implement the alternative.** - None needed.

vii. **The inclusion of actions to be taken to maximize economic markets of recyclables recovered.** - The litter patrol officer will develop strategies for maximizing recyclables in collaboration with the recycling coordinator.

viii. **Identification of the public education and relation programs undertaken for implementation.** - The technology implemented will have public notices tools distributed through email, app notifications, and smartphone notifications. This will increase public participation and public relations related to all things solid waste and more.

5.9 **EDUCATION AND OUTREACH**

5.9 – Recommendations for implementation by city

- maintain recycling coordinator position throughout planning period
- increase number of recycling events offered annually
- expand education and outreach opportunities outside of annual events
- publish map of solid waste collection zones on website

In 2018, the City hired a recycling coordinator to assist with public education and outreach associated with MSW and SSR services. Maintaining this position will be critical moving forward to increase participation in alternative waste streams like SSO, create a recycling center drop-off facility, and expands recycling events, programs, and other educational opportunities. The City should offer three expanded opportunities for public outreach and education.

First, the City should expand the number of annual recycling events. Currently, the City offers one large Household Hazardous Waste event annually in the fall. Historically, this event allowed 300 people to come and pre-register for two months ahead of the event. The event was advertised online and with a press release to all media outlets. The event pre-registration fills up annually. As per the recommendations related to incentive-based pricing and creation of a city recycling center, there will need to be a charge for certain materials that the public believes are picked up for free.
Expanding recycling events that offer free or less expensive options for disposal of material allows for easier handling by the City as well as reduced costs and more consistent availability for residents. Some of the programs currently offered, like Household Hazardous Waste Day, can be offered twice per year with the assistance of available NYSDEC funding grants. This will enable costs to be split over several events, allowing for increased usage without increasing costs for the City.

Offering a regular electronic collection day provides residents a free option to dispose of e-waste without incurring the updated tip fee rate. The number of recycling events should go to two annually in 2019, then up to four annually by 2024, if deemed necessary and of value. The viability of four events annually should be evaluated with recommendations for future increase or decrease of recycling event usage.

Second, the City should expand their public outreach and education opportunities. Outreach should be conducted regularly and annually, and should be separate from recycling events. The development and implementation of frequent public education opportunities by the recycling coordinator is a positive step. Additionally, participating in regular public organization meetings such as Troy Zero Waste and scheduled neighborhood meetings will give residents direct access to have questions and concerns addressed in a timely manner.

Finally, the City should publish a map of collection zones on the City website. Making this information available online provides the public direct access to this information without the need to call the DPW dispatch. The addition of online resources will also fulfill the objective related to establishing clear solid waste collection processes.

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Maintain recycling coordinator position throughout the planning period and increase the number of events offered annually

xv. Administrative/Technical

a. Quantitative and qualitative impacts- The recycling coordinator position is an integral connection from the City government to the community and in implementing this plan. Without this position, the implementation of the plan falls on the waste advisory board and onto anyone who would take on the work within the City. The quantitative impacts are going to be seen in the data collected and the annual solid waste reports the coordinator will produce. Qualitatively, having access to a specific person for all solid waste and recycling questions decreases this burden on other employees in the City. The number of recycling events offered annually will increase the amount of non-regular recyclable materials that are properly disposed of annually. Over time, the data from this will provide a clear picture of optimal event timing and numbers.

b. Facility or program needs based upon the projected quantities and composition of waste- The recycling events traditionally have been held at the Alamo and the City will continue
to do so as it becomes a recycling center. The recycling coordinator does not have any facility or program needs.

c. **Summary of the cost data used for evaluation including life cycle analysis**- The cost of a recycling event is currently budgeted. Until there are more events held, there is no exact cost per person available or data based upon type of material disposed. The recycling coordinator position also does not have any life cycle analysis done.

d. **Impact or effect on natural resource conservation, energy production, and employment creating opportunities**- The recycling coordinator position is an opportunity for employment. The events hold a volunteer opportunity and an overtime possibility for current employees. There are no natural resource conservation or energy production impacts of these alternatives.

xvi. **Jurisdictional Impacts – neighboring planning units and municipalities effect on or how it affects them**
   
a. **An assessment of interest in participation by other planning units**- No assessment available.

b. **Alternatives that would be available if planning units participated**- If other planning units participate in the recycling events, the events will be bigger and more expensive, but also would accommodate a greater number of people.

c. **Comments and recommendations received from any neighbors**- None.

d. **Assessment of the environmental justice impacts within the planning unit** – There are several potential environmental justice impacts of the education and outreach objectives. Most importantly, this will empower and engage residents and businesses in areas of the city which have previously not had the framework in place to be part of these environmentally sustainable processes and practices.

7) **Selected Alternatives**

i. **Alternative chosen and reason why**- Maintaining the recycling coordinator position and increasing the number of recycling events are the selected alternatives. Maintaining a position related to the implementation of this plan is critical to the implementation of this plan. Increasing the number of recycling events offered annually should be simple and straightforward while not costly at first.

ii. **Detailed description of procedures for implementation**- The recycling coordinator position is currently filled and needs no implementation. The Household Hazardous Waste Day needs to be doubled and a citywide recycling/reuse event may be added. Initially this will be done by halving the number of attendees and going to two events per year. After costs are ironed out, the number of events or attendees can be increased above two.

iii. **Identification of expected qualitative and quantitative impacts** - See above.

iv. **Assessment of the impact of the proposed recyclables recovery effort** – The recycling events are expected to bring in a greater variety of materials, especially after the recycling center is open to the public. This will decrease the demand for the basic services the event offers and will open them up to more people.

v. **Identification of the administrative, financial and contractual requirements for this program’s implementation**- The recycling coordinator is overseen by the Commissioner of General Services and the events are overseen by the recycling coordinator. The financial
requirements for these are the salary of the coordinator, which is partially paid for by the DEC, and the cost of the events. The cost of the events per attendee and by type of material are unknown at this time.

vi. Identification of any new or modified laws ordinances or regulations that may be required to fully implement the alternative - None.

vii. The inclusion of actions to be taken to maximize of economic markets of recyclables recovered - The recycling coordinator will maximize economic advantages of each recycling event each year.

viii. Identification of the public education and relations programs undertaken for implementation - The recycling coordinator position is solely responsible for all public education related to recycling and will continue to expand the public relations surrounding recycling and waste reduction in the city. The recycling events offer an opportunity to connect with the attendees about recycling in the City.

5.10 DATA COLLECTION AND EVALUATION PROGRAMS

5.10 – Recommendations for implementation by city
- create annual solid waste report
- solid waste advisory board becomes permanent
- develop local and regional partnerships for data collection and evaluation

The City hired a recycling coordinator in 2018 to, among other things, assist in data collection, evaluation, management, and monitoring of all solid waste processes. This position will continue to fill in the many data gaps outlined in Section 2. The compilation of accurate waste information is critical to the future of solid waste planning in the City and for properly completing a Comprehensive Recycling Analysis as required by New York State. It is also recommended that an annual solid waste report be generated, with the assistance of the Solid Waste Advisory Board, encompassing an overview of the prior year of the City’s solid waste services. This will serve to enhance the transparency sought throughout the process.

The Solid Waste Advisory Board should be established as a permanent board under City Code, the purpose of which is to advise the City on solid waste issues and to provide a resource throughout the analysis of new data. The Solid Waste Advisory Board’s structure, roles and responsibilities should be outlined within the City Code. This will provide valuable insight and feedback that will improve the reporting and evaluation process of many future solid waste plans and allow for the implementation of recommendations within this plan.

Troy needs to research the development of improved regional and local partnerships for potential wider data analysis. In collaboration with local educational institutions, the city could provide relevant solid waste data for analysis through relevant educational programs. The City is only a part of the larger Capital Region waste stream. Being able to monitor annual trends over a larger scale will be not only important, but ultimately provide a
framework for future collaborations and be more cost effective and critical to the City’s ability to do the best job possible for the taxpayers.

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Create a schedule for annual solid waste reports published by the City, create a permanent solid waste advisory board and develop regional partnerships for data collection and evaluation.

xvii. Administrative/Technical
   a. Quantitative and qualitative impacts- The quantitative impacts of these alternatives are not known. The indirect impact of the SWAB will be evaluated in the next plan. The qualitative impacts of these will be through public interactions and access to solid waste information. In the past, the city has not provided much information to the public in relation to solid waste. This change will alter the public’s perception of waste for the positive.
   b. Facility or program needs based upon the projected quantities and composition of waste - No facility or program is needed for the alternatives. The recycling coordinator will handle the reports in collaboration with the committee, on which the recycling coordinator will sit.
   c. Summary of the cost data used for evaluation including life cycle analysis- There are no costs to these alternatives.
   d. Impact or effect on natural resource conservation, energy production and employment creating opportunities- There are no impacts on the natural resource conservation, energy production or employment creating opportunities from these alternatives.

xviii. Jurisdictional Impacts – neighboring planning units and municipalities effect on or how it affects them
   a. An assessment of interest in participation by other planning units - No assessment was conducted.
   b. Alternatives that would be available if planning units participated- If the planning units neighboring Troy participate, these alternatives will have to be rethought as they will require greater authority.
   c. Comments and recommendations received from any neighbors- None.
   d. Assessment of the environmental justice impacts within the planning unit – Determination of locations for the various initiatives throughout the city over the ten-year cycle of this plan will be done in a just and equitable manner, giving equal consideration to all districts within the city. As the plan is implemented and these initiatives are rolled out, there will be continued attention given to this work being done in an appropriate and diligent manner.

7) Selected Alternatives
   i. Alternative chosen and reason why - The City has chosen to create a schedule for annual solid waste reports to be published by the City, create a permanent solid waste advisory board, and develop regional partnerships for data collection and evaluation.
ii. **Detailed description of procedures for implementation** - The solid waste reports will begin in 2020 in the spring and cover the year prior in solid waste. They will continue on an annual basis throughout the planning period. The Solid Waste Advisory Board, which assisted in the development of this plan, will become a permanent body as a committee and meet monthly throughout the planning period in order to assist in various solid waste related projects. Over the course of the planning period, regional data collaborations should be explored as needed. These do not have an implementation date.

iii. **Identification of expected qualitative and quantitative impacts** – See above.

iv. **Assessment of the impact of the proposed recyclables recovery effort** – There are no direct impacts from these alternatives; the indirect impacts are discussed in other alternatives. The regional data collaboration should evolve into a planning unit in which Troy can participate.

v. **Identification of the administrative, financial, and contractual requirements for this program implementation** – The Department of Public Works will oversee the reports, the Solid Waste Advisory Board and the data partnerships.

vi. **Identification of any new or modified laws ordinances or regulations that may be required to fully implement the alternative** – The Solid Waste Advisory Board will be put into law in the new 247 code part of the 2019 budget.

vii. **The inclusion of actions to be taken to maximize the economic markets of recyclables recovered** – None related to these alternatives.

*Identification of the public education and relation programs undertaken for implementation*— The solid waste report will be an annual chance for the public to understand the solid waste scene from the year prior.

### 5.11 Hauler Licensing

The City currently mandates that waste haulers apply for permits annually with the City. The City Code has two separate sections pertaining to hauler permits: 234-4 and 247-5. These two sections are contradictory and neither permit has been created, implemented, or enforced. The City must rewrite these contradictory pieces and begin enforcing hauler permits in 2019. With the code changes, certain data requirements must also be met in order to increase the accountability of these haulers and provide the City with more information on internal waste generation.

Specifically, these new permits must require annual information and quarterly data updates. Additionally, to acquire a permit from the City, a hauler must provide proof of NYS Hauling Permit (in compliance with NYS code 364-4-1).

The recommended changes to required annual information are as follows:

- descriptions of vehicles that will be operating within the City limits and
- an annual permit fee
- Creation of possible opportunity for reduction in hauler permit fee if the hauler also signs a contract with the City.
- Creation of tiered permitting fees (dependent on the type of materials hauled).
The proposed quarterly data reporting requirements are as follows:

- amount of material hauled over the course of the quarter, by material type
- Name, address, other materials accepted, and operator information of the destination sites for materials hauled.

In the event that the quarterly data requirements are not met, a permit shall not be issued for the following year. Most municipalities require a hauler permit in some capacity to operate within the respective municipality. Data reporting is also required from private waste collection entities in order for municipalities to comply with data requirements to the State.

Hauler licensing is a consolidation of the code as it is currently written to allow for easier enforcement.

Selected Alternatives

I. Alternative chosen and reason why- See above – Hauler licensing has not historically been enforced, in order to facilitate enforcement procedures, the code should be re-written.

II. Detailed description of procedures for implementation – Re-written code will be presented to and adopted by the City Council before the end of 2019. All haulers known in the city will be notified in late 2019 and enforcement will begin in 2020.

III. Identification of expected qualitative and quantitative impacts – The expected outcomes are increased data collection submission from the haulers. This will give the City a better grasp of the overall waste picture and allow for better quantitative and qualitative analysis.

IV. Assessment of the impact of the proposed recyclables recovery effort – None apart from increasing awareness of potentially unknown recycling haulers.

V. Identification of the administrative, financial, and contractual requirements for this program’s implementation- The administrative aspects of this adjustment are minimal, consisting of managing the filings on an annual basis and contacting haulers. Financially, the implementation is expected to bring in revenue from the hauler permits on an annual basis.

VI. Identification of any new or modified laws ordinances or regulations that may be required to fully implement the alternative – The modified law is attached below.

VII. Actions will be taken to maximize the economic opportunities of recyclables recovered-

Identification of the public education and relation programs undertaken for implementation
Application is hereby made to the Commissioner of General Services for the issuance of a commercial hauler’s permit, pursuant to (code and chapter) of the Troy City Code. This code requires any person, firm or corporation be permitted in order to engage in the business of collecting and transporting solid waste, bulk waste, post-consumer organic materials, post-consumer recyclable materials for disposal (including but not limited to: single-stream recyclables, construction and demolition debris, scrap commodities and textiles) within the City of Troy, NY.

A separate permit shall be required for persons, firms or individuals performing deconstruction work. The deconstruction permit shall require comprehensive reporting of quantities of materials re-purposed, recycled and disposed.

This application must be submitted annually fifteen days before the last business day of the month of January. Each application made is good for a period of one year. Permit may be obtained in the City Clerk’s office. Failure to comply with this requirement will result in loss of permit and violation fees to be incurred.

All permit holders will be required to fill out quarterly collection reports and file them with the Commissioner of General Services. These reports must include types of materials collected, weight/volume of material collected and location where the material is disposed of each quarter. If the reports are not filed within 30 days of the end of the prior quarter, the permit will be revoked. The permit can be reinstated if the agency provides the required data. A new permit will not be issued the following year until the agency becomes compliant with data reports.

The applicant shall file with his/her application a certificate or affidavit of insurance, also naming the City of Troy as an additional insured on a non-contributing basis, executed by representatives of a duly qualified insurance company, evidencing that said insurance company has issued liability and property damage insurance policies covering the following:

- All operations of the applicant or any other person, firm or corporation employed by him/her in solid waste collection within the corporate limits of the City.
- The disposal of such solid waste to and within the designated and approved treatment and/or disposal facility, protecting the public and any person from injuries or damages sustained by reason of carrying on work of solid waste collection and disposal.

The certificate or affidavit shall specifically evidence the following amounts of insurance coverage, which shall remain in effect for the term of the permit, and shall provide that written notice shall be given to the City Clerk thirty days prior to any change in the conditions of the certificate or affidavit or any expiration or cancellation thereof:

- Commercial general liability and contractual liability on an occurrence basis with the following limits of coverage: bodily injury, property damage and personal injury, One Million Dollars ($1,000,000) each occurrence/Two Million Dollars ($2,000,000) general aggregate.
- Professional Liability/Errors & Omissions of at least One Million Dollars ($1,000,000) each occurrence/Two Million Dollars ($2,000,000) aggregate (if applicable).
- Workers compensation insurance as required by law and including employer's liability insurance. Statutory disability benefits insurance as may be required by law.
- Comprehensive Automobile Liability coverage on owned, hired, leased, or non-owned autos with limits not less than One Million Dollars ($1,000,000) combined for each accident because of bodily injury sickness, or disease, sustained by any person, caused by accident, and arising out of the ownership, maintenance or use of any automobile for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobile.
- Commercial umbrella coverage of Five Million Dollars ($5,000,000).

Each policy of insurance required shall be in form and content satisfactory to the City Corporation Counsel, and shall provide that:

- The insurance policies shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the City of Troy...
• The insurance policies shall be automatically renewed upon expiration and continued in force unless the City of Troy Corporation Counsel's Office is given sixty (60) days written notice to the contrary.

No work shall be commenced under the contract until the selected proposer has delivered to the City or his/her designee proof of issuance of all policies of insurance required by the Contract to be procured by the selected proposer. If at any time, any of said policies shall be or become unsatisfactory to the City, the selected proposer shall promptly obtain a new policy and submit proof of insurance of the same to the City for approval. Upon failure of the selected proposer to furnish, deliver and maintain such insurance as above provided, this Contract may, at the election of the City, be forthwith declared suspended, discontinued or terminated. Failure of the selected proposer to procure and maintain any required insurance shall not relieve the selected proposer from any liability under the Contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected proposer concerning indemnification.

A permit may be refused or revoked if the applicant shall have been convicted of a misdemeanor or felony which in the judgment of the Commissioner renders the applicant an unfit or undesirable person or if the applicant shall fail to meet and/or demonstrate the ability to meet the requirements of this article to the satisfaction of the Commissioner, and from such a determination such permit may be refused or revoked by the City Clerk.

Conditions of obtaining a permit are as follows:
- all commercial collectors must file a plan setting forth the procedure, means and methods by which they will handle the materials
- make, model, VIN and license plate number of any vehicle being used for collection and transport
- document listing standard operating procedures used for transport, as well as method of disposal/removal
- permit number must be listed on the establishment’s website, as well as visibly posted in any physical structure
- adherence to materials pick-up and roll-off/dumpster placement and removal requirements for allowed timing in the Downtown Business District: between the hours of 6:00am through 9:00pm
- as per ordinance 247.4 (addressing penalties for offenses) failure to follow this requirement shall result in the following punitive and increasing fines (for multiple failures) and eventual loss of permit:
  (1) Any person violating any provision of this article shall be guilty of an offense and, upon conviction thereof, shall be punishable by the following fines:

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<th>Offense</th>
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(2) A person or entity violating any provisions may also be punished by imprisonment of no more than 15 days.
(3) Each day that a violation continues after the fifth offense shall constitute a separate offense punishable by the maximum fine set forth above and/or imprisonment of 15 days.
(4) Payment for violation shall be remitted within 30 days.
(5) A monthly interest charge of 3% shall be added to any delinquent violation charge.

This permit usage plan must be approved by the Commissioner of General Services prior to issuance of said permit.

Applicant/company name: __________________________________________________________

Additional stakeholders associated with same:

__________________________________________________________

SS# or EIN: __________________________________________________________

Address: ________________________________________________________________

Phone #: _______________ Email: __________________________________________

Type of service (check all if applicable):

Residential: ________
Commercial: ________
In so making this application, the applicant agrees that if granted this permit, their respective company will conduct their business pursuant to the regulations set forth in (chapter/code) duly adopted by the City Of Troy, NY (date) as well as any amendments thereto. Should applicant fail to conduct their business thusly; violation fees shall be assessed, the fine amount dependent upon the significance of failure. Should further violations occur, said permit may be revoked forthwith.

The applicant also acknowledges the requirement that any hauler doing business in or through the city limits shall also submit quarterly reports stating the quantity of materials/commodities being hauled and the location of their disposal. As a (mandatory) verification of this requirement of this permit, current and past disposal destination reporting may be requested directly from the processing or disposal facility as deemed necessary by the City Of Troy, NY. A hauler not remitting this information may not be reissued a new permit.

In signing this application, applicant also agrees that any and all disposal facility reports, scale-tickets or other information pertaining to their materials processing may also be requested by the City of Troy, NY.

Further, the applicant agrees to pay all regular fees assessed for the use of any facilities in the City of Troy, NY, as well as any fees the City of Troy, NY may incur in handling or management of materials transported by said hauler. In the event that the applicant fails to make payment of these fees, the applicant agrees that any costs incurred by the City of Troy, NY in enforcing its rights, including but not limited to interest, penalties, court costs and attorney fees, shall be assessed to and collected from the applicant.

If applicant discontinues service in the City of Troy, NY, the requirements of said permit shall be revoked. Proof of discontinuation of service may be requested by the City of Troy, NY from applicant.

Date: ____________
Applicant(s) signature: ____________________________
Printed name(s): ________________________________

Sworn before me this ____ day of ____________, 20____
Notary public: ________________________________

Submit this form and appropriate tiered payment for your annual hauler permit fee
$200 if you are a small business with only one hauling vehicle
$250 per truck if your business has between 2-10 trucks
$225 per truck if your business has between 11-25 trucks
$200 per truck if your business has over 26 trucks

To:
City of Troy, NY City Clerk
433 River Street, 5th Floor, City Hall, Troy, NY 12180

Upon receipt and processing of this application, a magnetic tag with a permit number will be mailed to you and will need to be visibly displayed on your vehicle any time it is within the city limits of Troy.

For official use only:

Application receipt date: ______________ Fee attached: YES:____ NO:____
Disposal plan attached: YES:____ NO:____ Permit #: _________________________
Date issued: ______________
5.12 **PRIVATE SECTOR MANAGEMENT AND COORDINATION OPPORTUNITIES**

Private sector management and coordination opportunities are not selected specific alternatives at this time. However, they are acknowledged as part of other alternatives. The City should periodically explore a public-private partnership when it comes to solid waste management. All factors should be considered when analyzing direct service costs associated with privatization of existing City services. SSO pickup, SSR, bulk, and MSW should all be considered separately. It is recommended to do this twice over a planning period or as new services is slated to come online.

5.13 **MANAGEMENT OF WASTE THROUGH THERMAL TREATMENT TECHNOLOGIES**

Management of waste through thermal treatment technologies is not a selected alternative at this time. The City should not invest in thermal treatment technologies for itself during this planning period. However, if they are brought from a private or public entity to the City the proposal should be considered. Thermal treatment technologies can have benefits to a municipality as long as the environmental impacts are insignificant. Partnership with other municipalities exploring this option of waste management should also be considered as they arise.

5.14 **FLOW CONTROL**

Flow control is not a selected alternative at this time. The City should maintain all State mandated recycling laws as they are written. Although flow control can be useful, the City does not have the infrastructure to handle more than it already mandates when it comes to recyclables.

5.15 **GREEN PROCUREMENT**

Green Procurement is not a selected alternative, but, it is recommended to ensure the current procurement policies are in line with the State’s recommended guidelines. The City must become current with New York’s Green Procurement guidelines. In 2008, Executive Order 4 created a NYS Green Procurement and Agency Sustainability Program. It will be beneficial for the City to incorporate these recommendations into its contracts and procurement guidelines in the long term. Additionally, staying up to date on new specifications as they are issued by New York State will incorporate an environmentally friendly approach to the City’s purchasing policies. By incorporating green procurement specifications, the City would purchase known reusable, recyclable, or compostable materials, rather than buying material that needs to be landfilled or disposed as hazardous waste. Green procurement procedures are easily measurable once established and have measurable impacts on the waste stream. The suggested timeline for implementing this
policy is 2020, before Solid Waste Advisory Board’s first bi-annual update that year. This alternative is not expected to have a direct impact on the waste stream.

Section 6 – Implementation Schedule

The City should implement the recommendations in section 5 within this plans planning period of 2019 through 2028. Each subsection refers to a timeline within the discussion; if relevant each subsection has a timeline on the Section 6 chart. It should be noted that some of the recommendations have ambitious timelines. It is important that the City follow through despite this in order to achieve the objectives outlined in the Executive Summary before the end of the planning period.

It was previously noted that publication of this plan is the first step toward achieving compliance with New York State law regarding municipal solid waste management planning. This is the City of Troy’s first CRA, produced in accordance with NYS guidelines. The City should adhere to all existing NYS laws pertaining to solid waste management.

This preliminary timeline does not yet delineate responsible parties for implementation. We will spend a portion of the first year of this plan making these determinations and assigning schedules to such.

Reporting for The City’s first annual review (in 2020) will have a more detailed and complete timeline for the ten-year plan.
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### City of Troy Solid Waste Management Plan (2019-20128) - 10 Year Implementation Schedule

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City of Troy, NY

Comprehensive Recycling Analysis, 2019-2020
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## City of Troy Solid Waste Management Plan (2019-20128) - 10 Year Implementation Schedule

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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 THEREFORE

WHEREAS, a Project for the South Troy Industrial Park Road from Main Street to Adams Street, P.I.N. 1754.59 (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 Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and ROW Incidentals & Acquisition and Construction/CI 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 already authorized the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Incidentals & Acquisition and Construction/CI phases work of $2,511,563.00 for the Project or portions thereof; and it is further

RESOLVED, that the additional sum of $4,838,460.00 is hereby appropriated from H.5197.0200.0406 and made available to cover the cost of participation in the above phases 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 City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon the 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 therefore 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 September 25, 2019

____________
James A. Caruso, Corporation Counsel
To: City Council  
From: Steven Strichman  
Date: September 25, 2019  
Re: Supplemental Agreement #10  
   South Troy Industrial Park Road, P.I.N. #1754.59  
   Federal Transportation Project

Under Supplemental Agreement #9 for the South Troy Industrial Park Road project, adopted by the City Council on 8/31/2018 and executed by the city on 8/31/2018, authorization was granted for the City of Troy to receive federal funding in the amount of $2,511,563.00 for costs incurred in the Design and ROW Incidentals & Acquisition sections of this project.

With the aforementioned elements of the project concluded for its southern phase, the Council’s authorization is now required to accept funding in the amount of $4,838,460.00 from the federal government to offset costs incurred during the upcoming Construction and Construction Inspection phase of this project.

Since local authorization is necessary to continue funding and advancement of this supported project and remain on schedule for an October letting, I recommend approval of this request.
### 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.

<table>
<thead>
<tr>
<th>PIN Fiscal Share</th>
<th>&quot;Current&quot; or &quot;Old&quot; entry indicator</th>
<th>Federal Funding</th>
<th>Total Costs</th>
<th>FEDERAL Participating Share</th>
<th>STATE MARCHISELLI Match</th>
<th>LOCAL Matching Share</th>
<th>LOCAL DEPOSIT AMOUNT (Required only if State Administered)</th>
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<td>Current</td>
<td>STP (80%)</td>
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<td>STP (80%)</td>
<td>$1,619,813.00</td>
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<td>1754.59.222.223.</td>
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<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td></td>
<td>Current</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td></td>
<td>Old</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**TOTAL CURRENT COSTS:**

<table>
<thead>
<tr>
<th>PIN Fiscal Share</th>
<th>Federal Funding</th>
<th>Total Costs</th>
<th>FEDERAL Participating Share</th>
<th>STATE MARCHISELLI Match</th>
<th>LOCAL Matching Share</th>
<th>LOCAL DEPOSIT AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1754.59.121.122.</td>
<td>STP (80%)</td>
<td>$2,511,563.00</td>
<td>$2,009,250.00</td>
<td>$335,263.00</td>
<td>$167,050.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
### 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.

<table>
<thead>
<tr>
<th>Other PIN Fiscal Shares</th>
<th>‘Current’ or ‘Old’ entry indicator</th>
<th>Funding Source</th>
<th>TOTAL</th>
<th>Other FEDERAL</th>
<th>Other STATE</th>
<th>Other LOCAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1754.59.321</td>
<td>Current</td>
<td>STP</td>
<td>$3,638,460.00</td>
<td>$2,910,768.00</td>
<td>$0.00</td>
<td>$727,692.00</td>
</tr>
<tr>
<td></td>
<td>Old</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>1754.59.NPS</td>
<td>Current</td>
<td></td>
<td>$1,200,000.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$1,200,000.00</td>
</tr>
<tr>
<td></td>
<td>Old</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>. . . . . . . . . . . .</td>
<td>Current</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>. . . . . . . . . . . .</td>
<td>Old</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>. . . . . . . . . . . .</td>
<td>Current</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>. . . . . . . . . . . .</td>
<td>Old</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>. . . . . . . . . . . .</td>
<td>Current</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>. . . . . . . . . . . .</td>
<td>Old</td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>TOTAL CURRENT COSTS:</td>
<td></td>
<td></td>
<td>$4,838,460.00</td>
<td>$2,910,768.00</td>
<td>$0.00</td>
<td>$1,927,692.00</td>
</tr>
</tbody>
</table>

### C. Local Deposit(s) from Section A:

- Additional Local Deposit(s) $0.00
- Total Local Deposit(s) $0.00

### D. Total Project Costs

All totals will calculate automatically.

<table>
<thead>
<tr>
<th>Total FEDERAL Cost</th>
<th>Total STATE MARCHISELLI Cost</th>
<th>Total OTHER STATE Cost</th>
<th>Total LOCAL Cost</th>
<th>Total ALL SOURCES Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4,920,018.00</td>
<td>$335,263.00</td>
<td>$0.00</td>
<td>$2,094,742.00</td>
<td>$7,350,023.00</td>
</tr>
</tbody>
</table>

### 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.
Footnotes:  (See LPB’s website for link to sample footnotes)

This SA #10 adds the Construction/Construction Inspection phase of the project. Construction = $3,153,000.00, Construction Inspection = $485,460.00.

There is a 100% Local Share for Construction of $1,200,000.00

Currently there are no approved Marchiselli funds for the Construction phase of the project. Marchiselli funding hereunder is limited by the amount authorized on the Comprehensive List. Additional Marchiselli funding is contingent on appropriate increase(s) to the Comprehensive List and the execution of a Supplemental Schedule A providing such additional funds.
### SCHEDULE B: Phases, Sub-phase/Tasks, and Allocation of Responsibility

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

#### A1. Preliminary Engineering (“PE”) Phase

<table>
<thead>
<tr>
<th>Phase/Sub-phase/Task</th>
<th>Responsibility: NYSDOT</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Scoping: Prepare and distribute all required project reports, including an Expanded Project Proposal (EPP) or Scoping Summary Memorandum (SSM), as appropriate.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3. Smart Growth Attestation (NYSDOT ONLY).</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4. Preliminary Design: 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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6. Obtain aerial photography and photogrammetric mapping.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7. Perform all surveys for mapping and design.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>8. Detailed Design: 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.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>9. Perform landscape design (including erosion control).</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
Phase/Sub-phase/Task | Responsibility: NYSDOT | Sponsor
---|---|---
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. | ☑  |  

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. | ☑  |  

13. Conduct any required soils and other geological investigations. | ☑  |  

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. | ☑  |  

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. | ☑  |  

16. Prepare and execute any required agreements, including:
   - Railroad force account
   - Maintenance agreements for sidewalks, lighting, signals, betterments
   - Betterment Agreements
   - Utility Work Agreements for any necessary Utility Relocations of Privately owned Utilities | ☑  |  

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. | ☑  |  

A2. Right-of-Way (ROW) Incidentals

Phase/Sub-phase/Task | Responsibility: NYSDOT | Sponsor
---|---|---
1. Prepare ARM or other mapping, showing preliminary taking lines. | ☑  |  

2. ROW mapping and any necessary ROW relocation plans. | ☑  |  

3. Obtain abstracts of title and certify those having an interest in ROW to be acquired. | ☑  |  


5. Perform Appraisal Review and establish an amount representing just compensation. | ☑  |  
### Phase/Sub-phase/Task

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsibility: NYSDOT</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Determination of exemption from public hearing that is otherwise required by the Eminent Domain Procedure Law, including <em>de minimis</em> determination, as may be applicable. <strong>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.</strong></td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☑</td>
<td>☒</td>
</tr>
</tbody>
</table>

### B. Right-of-Way (ROW) Acquisition

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsibility: NYSDOT</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>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. <strong>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.</strong></td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>2. Provide required relocation assistance, including payment of moving expenses, replacement supplements, mortgage interest differentials, closing costs, mortgage prepayment fees.</td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>3. Conduct eminent domain proceedings, court and any other legal actions required to acquire properties.</td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>4. Monitor all ROW Acquisition work and activities, including review and processing of payments of property owners.</td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☑</td>
<td>☒</td>
</tr>
</tbody>
</table>
### C. Construction, Construction Support (C/S) and Construction Inspection (C/I) Phase

<table>
<thead>
<tr>
<th>Phase/Sub-phase/Task</th>
<th>Responsibility:</th>
<th>NYSDOT</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Advertise contract lettings and distribute contract documents to prospective bidders.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>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).</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>3. Receive and process bid deposits and verify any bidder’s insurance and bond coverage that may be required.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>5. Review/approve any proposed subcontractors, vendors, or suppliers.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>7a. For non-NHS or non-State Highway System Projects: Test and accept materials, including review and approval for any requests for substitutions.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>7c. For projects that fall under both 7a and 7b above, check boxes for each.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>8. Design and/or re-design the project or any portion of the project that may be required because of conditions encountered during construction.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>10. Review and approve all shop drawings, fabrication details, and other details of structural work.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>11. Administer all construction contract claims, disputes or litigation.</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>Phase/Sub-phase/Task</td>
<td>Responsibility: NYSDOT</td>
<td>Sponsor</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
September 16, 2019

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

RE: PIN 1754.59, D017109, Supplemental Agreement #10,
South Troy Industrial Park Road from Main Street to
Adams Street, City of Troy

Dear Mayor:

Enclosed is the proposed agreement 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 all phases of your project.

Please note the instructions listed below:

Instructions

(A) We have provided you with a single copy of the draft Supplemental Agreement Cover and
relevant Schedule A and B. Please keep these documents for your records.

(B) We have provided you with a single copy of a draft resolution. The Municipality should complete,
enact and certify the resolution. 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. 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 received this agreement via email, we have provided you with 1 (one) copy of the
necessary signature page. Please make 5 copies of the signature page and return all 5 (five)
copies with original signatures to this office with the above resolutions. You will get a single
original of this page returned to you once the contract is executed by the necessary State
Officials.

Should you have any questions or concerns, please do not hesitate to contact me at 485-1715.

Very truly yours,

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

LD: ddl
Enclosure
APPENDIX 2-S
IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act’s effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.
SUPPLEMENTAL AGREEMENT No. 10 to D017109 (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
  - adding additional funding (check and enter the # phase(s) as applicable):
    - adding phase Constr/CI which covers eligible costs incurred on/after ________________
  - 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 adding Appendix 2-S— Iran Divestment Act:

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

By: ________________________________

Print Name: _________________________

Title: ______________________________

SPONSOR ATTORNEY:

By: ________________________________

Print Name: _________________________

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:

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.

Date: ______________________________

COMPTROLLER’S APPROVAL:

BY: ________________________________

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

APPROVED AS TO FORM:

STATE OF NEW YORK ATTORNEY GENERAL

By: ________________________________

Assistant Attorney General

Press F1 for instructions in the blank fields:
WHEREAS, the City Council of the City of Troy, New York (the “City”) on April 3, 2014 adopted Bond Resolution #23 of 2014 (the “Prior Bond Resolution”) entitled “BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING THE ISSUANCE OF $1,125,000 SERIAL BONDS TO FINANCE THE COST OF A PEDESTRIAN CONNECTOR AT RIVERFRONT PARK”; and

WHEREAS, the City Council wishes (i) to authorize the expenditure and appropriation of additional funds in connection with the construction of a pedestrian connector at Riverfront Park; and (ii) to 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 as follows:

Section 1. The City is hereby authorized to undertake the construction of a pedestrian connector at Riverfront Park, at an estimated maximum cost not to exceed $2,025,000, constituting an increase of $900,000 over the amount previously authorized in the Prior Bond Resolution.

Section 2. The plan for financing such estimated maximum cost of $2,025,000 shall be as follows:

(a) by the issuance of $1,125,000 serial bonds of the City heretofore authorized to be issued pursuant to the Prior Bond Resolution; and

(b) by the issuance of additional $900,000 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 19(c) of Section 11.00(a) of the Local Finance Law provided, however, that the maximum maturity of the Bonds authorized herein shall be computed from the date of issuance of the bonds or the first bond anticipation note issued in anticipation of the bonds or serial bonds or the bond anticipation note authorized pursuant to the Prior Bond Resolution, 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 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 City anticipates receiving approximately $562,500 of grant funds from
the State of New York pursuant to a consolidated funding application made by the City for the
capital purposes described in Section 1 of this resolution. Any such grant funds shall be applied
to pay the principal or interest on the Bonds or any bond anticipation notes issued in anticipation
of the Bonds or to the extent obligations shall not have been issued under this resolution, to
reduce the maximum amount to be borrowed for such capital purposes.

Section 11. 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 12. 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 13. 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 14. This resolution is not subject to a mandatory or permissive referendum.

Section 15. 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 16. 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 18. This resolution shall take effect immediately upon its adoption.

Approved as to form, October 3, 2019.

James Caruso
Corporation Counsel
To: City Council  
From: Steven Strichman, Commissioner of Planning and E.D.  
Date: September 24, 2019  
Re: Memo of Support – Additional funding for Riverfront Park North Grant

With the Sea Wall mitigation project heading toward completion the city requested and received a one-time reauthorization of the expired Riverfront North grant to complete the esplanade/trail from Riverfront Park to the south end of the Hedley Parking lot.

Project Budget:

<table>
<thead>
<tr>
<th>Low Bid</th>
<th>Alt 1: Green Island Lot re-paving</th>
<th>Alt 2: Lighting over wall for Marina</th>
<th>Alt 3: Porous Parking for CSO compliance</th>
<th>Bid Package</th>
<th>Contingency</th>
<th>Design, Construction admin and inspection</th>
<th>Total Cost</th>
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<td>$ 1,546,000</td>
<td>$ 12,000</td>
<td>$ 40,100</td>
<td>$ 1,633,500</td>
<td>$ 245,025</td>
<td>$ 117,282</td>
<td>$ 1,995,807</td>
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</table>

Existing Grant and Match $ 1,125,606  
Funding required to complete project $ 870,201

This 50/50 grant was for $562,802 state and city participation based on estimates made in 2013 without full knowledge of the finished Seawall design. Alternates were added to handle necessary CSO regulations, replace the deteriorated parking lots and to cover marina lighting that was better handled by this contract.

The project provides infrastructure and aesthetic improvements that will enhance pedestrian access through the area completing a vital link on the Uncle Sam Trail. These improvements will place a safety railing on top of the seawall, and restore and enhance the trail behind restaurant row, and through the Dinosaur lot, connecting to Riverfront Park.

Failure to start the project this fall will result in the loss of the State Grant.

The City has reached out to the CRC, IDA and TRF to provide ½ of this increase ($400,000)
RESOLUTION APPOINTING COMMISSIONER OF DEEDS
FOR THE CITY OF TROY

BE IT RESOLVED, that the City Council hereby appoints the following person, as identified in the attached application hereto and made a part hereof, Commissioner of Deeds for the City of Troy for a two-year term from October 3, 2019 to October 2, 2021.

Meghan Jude LaBarge
143 Euclid Avenue
Troy, NY 12180

Approved as to form, October 3, 2019

James A. Caruso, Esq., Corporation Counsel
To the City Clerk of the City of Troy, New York:

I, Meghan Jude LaBarge (print full name), being duly sworn, hereby make application for appointment to the office of Commissioner of Deeds in and for the City of Troy.

I hereby swear that:

1. I am a citizen of the United States, and
2. I am 40 years of age and

3. Check one:
   □ A. I maintain my fixed and permanent residence at (print address):
      143 Euclid Ave., Troy, New York.
   ☑ B. I maintain an office or place of business in the City of Troy, at (print address):
      ______________________________________, Troy, New York.
      And I maintain my fixed and permanent residence at (print address):
      ______________________________________ in
      ____________________________ (town/village) in Rensselaer County.

Signature: ___________________________________________________________________________

On September 19th, 2019, before me appeared Meghan LaBarge, to me known to be the same person described herein and who executed the foregoing instrument and s/he duly acknowledged to me that s/he executed the same and that the information contained therein is true and accurate.

Rachel Castor, Commissioner of Deeds  9/19/19
Notary Public or Commissioner of Deeds

Return this form with proof of residence and, if required, place of business to the office of the City Clerk, 433 River St, Suite 5001, Troy, NY 12180.

______________________________
Date

OFFICE USE ONLY
☑ Valid NYS driver’s/non driver’s license within city limits of Troy or Rensselaer County
□ Business Card or Work ID AND □ Pay stub

______________________________
Date

APPROVED: _______________________
City Clerk

9/19/19
RESOLUTION AUTHORIZING THE REQUIREMENT OF CONTRACTORS AND SUB-CONTRACTORS ON CONSTRUCTION CONTRACTS TO HAVE APPROVED APPRENTICESHIP AGREEMENTS

WHEREAS, current state law does not compel any governmental entity that is party to a construction contract to require that any contractors or sub-contractors participate in apprenticeship training programs approved by the State Commissioner of Labor; and

WHEREAS, there is a long and productive history of partnership between labor and management for the training of skilled craft workers in our State; and

WHEREAS, the New York State Legislature adopted Article 23 of the New York State Labor Law in 1961, to authorize the State Commissioner of Labor to develop standards for apprenticeship training and a process for certifying programs which meet said standards; and

WHEREAS, the promotion of apprenticeship training programs will expand the pool of skilled workers in the City of Troy by providing many residents the means to earn a decent living and will create opportunities for local residents, thereby fostering the local and regional economy; and

WHEREAS, legislation has been offered and signed into law in the State Senate (S.5355-A) and the State Assembly (A.8612-A) to amend the labor law which grants governmental entities the authority to require contractors and sub-contractors, parties to construction contracts within the City of Troy, to have an Approved New York State Apprenticeship Program; and

WHEREAS, the City of Troy desires to implement the aforementioned labor law addition, new Section 816b, which further provides authority to governmental entities to require that before entering into a construction contract with a contractor or sub-contractor, the contractors must have an Apprenticeship Program Approved by the New York State Commissioner of Labor; now therefore, be it

RESOLVED, that the City Legislators hereby establishes a policy to promote apprenticeship training as authorized by Section 816b of the New York State Labor Law; and be it further

RESOLVED, that “construction contract” shall mean any contract to which the City of Troy, or department thereof, shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition, or otherwise providing for any building, facility or physical structure of any kind with an aggregate value in excess of $100,000 (Aggregate shall mean the total cost of all contracts of said project); and be it further
RESOLVED, that “contractor or subcontractor” shall mean a contractor or subcontractor of any tier, which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law; and be it further

RESOLVED, that the City of Troy hereby requires any contractor, at the time of bid date and prior to entering into a construction contract with the City of Troy, or department thereof, or any subcontractor, at the time of bid date and prior to entering into a contract with a contractor who has a construction contract with the City of Troy, or department thereof, to have apprenticeship agreements traditionally and historically appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor for a minimum period of two (2) years and which, have graduated a least one (1) apprentice in said period, and that it is further

RESOLVED, that any contract with the City of Troy or department thereof, entered into the contractor or subcontractor who is party to any contract which is in the sole discretion of the City of Troy, or any department thereof, is deemed not to be in compliance with this resolution shall immediately be null and void, and that it is further

RESOLVED, that the City of Troy, or department thereof, shall promulgate such other rules and regulations as necessary and appropriate for the implementation and enforcement of any provisions of the resolution; and be it further

RESOLVED, that this resolution shall apply to construction contracts advertised for bids on or after the effective date of November 1, 2019; and be it further

RESOLVED, that if any clause, sentence, paragraph, subdivision, section or part of the resolution or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this resolution, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Approved as to form, October 3, 2019

_______________________________________
James A. Caruso, Esq., Corporation Counsel
MEMO IN SUPPORT

CITY OF TROY RESOLUTION 72

The Greater Capital region Building & Construction Trades Council on behalf of its fourteen affiliate member trades and their 22,000 members, STRONGLY SUPPORT Resolution 72,

This resolution shall require that all contractors of any tier, working on a construction contract to which the City of Troy is a party to either directly or indirectly, which involves the design, construction, reconstruction, improvement, rehabilitation, maintenance or repair that such contractor prior to entering into such contracts must have apprenticeship agreements appropriate for the type and scope of work to be performed, that have been registered with, and approved by, the Commissioner pursuant to the requirements found in article 816b of NYS Labor Law.

The adoption of any governmental entity to require an apprenticeship resolution codified by 816b of the NYS Labor Law ensures municipality’s that contractors working on projects in the City of Troy will adequately train their workers, raising the quality of the work and will promote opportunities for good paying careers in the construction trades for the citizens of Troy.

It is for these reasons that we STRONGLY URGE you to SUPPORT Resolution 72.
### VACANCY LIST
(October 2019)

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<thead>
<tr>
<th>Department</th>
<th>Title</th>
<th>No.</th>
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<tr>
<td>A1440 Engineering</td>
<td>City Engineer</td>
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<td>Engineering Aide</td>
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<td>Housing Code Technician</td>
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<td>F1640 DPU/Garage</td>
<td>Auto Mechanic Helper</td>
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<tr>
<td>F8330 DPU/Purification</td>
<td>Assistant Operations Manager</td>
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<td>Supervising Water Plant Operator</td>
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<td>Water Plant Maintenance Supervisor</td>
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<td>Laborer</td>
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