

FINANCE/AUDIT

Tuesday January 11th at 6:30 PM. *please be aware of our date change!!!!

NEW BUSINESS

- 1 – Budget transfer from Parks & Rec – L. Timbrouck
- 2 – Henry Street Safe Routes to School – J. Schultheis
- 3– Budget Transfer from DPW – E. Norman
- 4 – Stuyvesant Apartment PILOT – D. Baker
- 5 – City Hall Renovations – Alderman Tallerman
- 6 – Pike Plan – Alderman Tallerman

OLD BUSINESS

- 1- ATV fees

1

F+A

Tinti, Elisa

From: Timbrouck, Lynsey
Sent: Tuesday, December 28, 2021 11:09 AM
To: Shaut, Andrea
Cc: Tuey, John; Tinti, Elisa
Subject: 2021 Year End Budget Transfer
Attachments: Communication to Council- 2021 Year End Budget Transfer.pdf; Committee_Report-Finance Committee 2021 year end transfers.pdf; 2021 Parks and Rec Year End Transfers.XLSX

Dear President Shaut,

Please see the attached budget transfer request, committee report, and accounts spreadsheet.

Thank you.

-Lynsey

Lynsey Timbrouck
Director of Parks and Recreation
City of Kingston
467 Broadway
Kingston, N.Y. 12401
(p) 845-481-7333

City of Kingston
Parks and Recreation Department
ltimbrouck@kingston-ny.gov

Steven T. Noble, Mayor



Lynsey Timbrouck, Director

December 27, 2021

President Andrea Shaut
420 Broadway
Kingston, NY 12401

Dear President Shaut,

Attached, please find the Parks & Recreation 2021 year end transfer documentation and committee report. There is zero financial impact to the City, as the transfer of funds is accomplished internally with various department accounts.

Thank you in advance for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Lynsey Timbrouck", is written over a faint, larger version of the same signature.

Lynsey Timbrouck
Director of Parks and Recreation

cc: City Comptroller, John Tuey

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER X
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT: Parks and Recreation

DATE: 12/27/2021

Description:

Year-end internal budget transfer of \$8,114.26 to reconcile department accounts.

(See attached spreadsheet)

Estimated Financial Impact: \$0

Signature

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Reynolds Scott Childress, Ward 3, Chairman		
Don Tallerman, Ward 5		
Anthony Davis, Ward 6		
Steven Schabot, Ward 8		
Michele Hirsch, Ward 9		

Parks & Recreation 2021 Year End		
Account #	Amount	Description
7020.5117	\$2,608.30	Rec Admin Vacation Payback
7020.5826	\$0.76	Rec Admin Optical Insurance
7620.5422	\$66.29	Adult Recreation Electricity
7143.5423	\$1,038.57	EHC Natural Gas
7142.5421	\$28.33	MNC Telephone
7141.5422	\$836.76	RNC Electricity
7141.5423	\$936.80	RNC Natural Gas
7210.5422	\$2,120.37	Dietz Electricity
7210.5443	\$25.62	Dietz Building Maintenace
7210.5472	\$452.46	Dietz Contracted Services
Total:	\$8,114.26	
Take from:		
1625.5111	\$8,114.26	Seasonal Employees

2

F+A

CITY OF KINGSTON
Office of the City Engineer
jschultheis@kingston-ny.gov

John Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

December 29, 2021

Honorable Andrea Shaut
President/Alderman-at-Large
City of Kingston Common Council
420 Broadway
Kingston, NY 12401

RE: Henry Street Safe Routes to School - Construction Authorization and Funding

President Shaut,

The Engineering Department requests placement on the agenda of the Finance & Audit Committee to for authorization of construction/construction inspection and additional bonding for the Henry Street Safe Routes to School project.

As you may recall, the City of Kingston was awarded \$1,348,524.00 in grant funding for the design and construction of the Henry Streets Safe Routes to School project through the NYS DOT Transportation Alternatives Program. On September 7th, 2017, the Common Council passed Resolution 176 of 2017 to fund preliminary engineering and right-of-way incidentals.

In order to proceed to construction, the Common Council must pass a similar resolution authorizing additional preliminary engineering, construction and construction inspection. Please see the attached draft resolution using standard NYS DOT language.

The original bond ordinance for this project, Resolution 175 of 2017 dated September 6th, 2017, was for \$337,132, which funded the 20% local match requirement to DOT's \$1,348,524.00 grant. This constituted a total project cost of \$1,685,656.00.

The bond ordinance was then amended on July 13th, 2021 to increase it by \$115,000 in order to fund the reuse of historic bluestone for the sidewalks between Wall Street and Pine Street. This increased the bond ordinance to \$452,132.00 and the total project cost to \$1,800,656.00

Based on the most current construction estimates, the total project cost will be \$2,686,806.00. Therefore, we are requesting an amendment to increase the bond ordinance by **\$886,150.00** from its current value of \$452,132.00 to \$1,338,282.00. Please see the attached draft resolution.

Please forward this communication to the next regularly scheduled Finance & Audit Committee for further discussion.

CITY OF KINGSTON
Office of the City Engineer
jschultheis@kingston-ny.gov

John Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

Sincerely,

John Schultheis
City Engineer

cc: Steven T. Noble, Mayor
John Tuey, Comptroller

RESOLUTION ____ of 2022

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING AN AMENDMENT TO INCREASE THE BOND ORDINANCE FOR THE HENRY STREET SAFE ROUTES TO SCHOOL PROJECT BY THE SUM OF \$886,151.00 FOR CONSTRUCTION AND CONSTRUCTION INSPECTION COSTS

Sponsored by: Finance and Audit Committee Aldermen: Scott-Childress, Tallerman, Davis, Hirsch, Schabot

WHEREAS, the Engineering Department has requested an amendment to increase the bond originally dated September 6th, 2017 for \$337,132.00, and later increased on July 13th, 2021 by \$115,000.00, by the sum of \$886,151.00 to fund construction and construction inspection costs for the Henry Street Safe Routes to School Project.

WHEREAS, the Finance/Audit Committee has received, reviewed and approved this request;

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

SECTION 1. That the Common Council of the City of Kingston authorizes an amendment to increase the bond originally dated September 6th, 2017 for \$337,132.00, and later increased on July 13th, 2021 by \$115,000.00, by the sum of \$886,151.00 to fund construction and construction inspection costs for the Henry Street Safe Routes to School Project.

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day
of _____ 2022

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day
of _____ 2022

Steven T. Noble, Mayor

Adopted by Council on _____, 2022

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER _____
BONDING REQUEST X _____
OTHER _____

DEPARTMENT: Engineering

DATE: _____

Description:

Request authorizing an amendment to increase the bond ordinance for the Henry Street Safe Routes to School project in the amount of **\$886,150.00**. The original ordinance dated September 6th, 2017 was made for \$337,132, which was 20% Local Match to NYSDOT's \$1,348,542.00 grant. This ordinance was previously increased by \$115,000 on July 13th, 2021 to fund historic bluestone. This amendment would increase the bond from its current value of \$452,132.00 to **\$1,338,282.00** (local match + bluestone + current amendment)

The total project cost has therefore increased from \$1,685,656.00 to **\$2,686,806.00** (original + bluestone + current amendment)

Estimated Financial Impact: **\$886,150.00** (current)

Signature _____

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Reynolds Scott-Childress, Chairman		
Donald Tallerman, Ward 5		
Anthony Davis, Ward 6		
Michele Hirsch, Ward 9		
Steven Schabot, Ward 8		

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION X _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT: Engineering

DATE: _____

Description:

A resolution to authorize 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 for additional preliminary engineering, construction, and construction inspection work for the Henry Street Safe Routes to School Project.

Estimated Financial Impact: \$0.00

Signature _____

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
<u>Reynolds Scott-Childress, Chairman</u>		
<u>Donald Tallerman, Ward 5</u>		
<u>Anthony Davis, Ward 6</u>		
<u>Michele Hirsch, Ward 9</u>		
<u>Steven Schabot, Ward 8</u>		

RESOLUTION ___ of 2022

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, 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.

Sponsored by: Finance and Audit Committee Aldermen: Scott-Childress, Tallerman, Davis, Hirsch, Schabot

WHEREAS, a Project for the Henry Street Pedestrian Improvements: Broadway to Wall Street, City of Kingston, Ulster County, identified as PIN 8761.84 (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, Resolution No. 176 of 2017 adopted by the Kingston City Council on September 7, 2017 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work.

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering work for the project; and

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

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

SECTION 1. That the Kingston City Council hereby approves the above-subject project.

SECTION 2. That the Kingston City Council hereby authorizes the City of Kingston to pay in the first instance 100% of the federal and non-federal share of the cost of the additional preliminary engineering work and the construction and construction inspection work for the Project or portions thereof.

SECTION 3. That the sum of **\$1,555,655 (\$1,685,655 minus previous \$130,000)** is hereby appropriated from a General Municipal Bond and made available to cover the cost of participation in the above phase of the Project.

SECTION 4. That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Kingston City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof.

SECTION 5. That the Mayor of the City of Kingston be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Kingston 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.

SECTION 6. That in addition to the Mayor, the following municipal titles: Superintendent of Public Works, City Engineer, and City Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement.

SECTION 7. 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.

SECTION 8. This Resolution shall take effect immediately.

Submitted to the Mayor this _____ day
of _____ 2022

Elisa Tinti, City Clerk

Approved by the Mayor this _____ day
of _____ 2022

Steven T. Noble, Mayor

Adopted by Council on _____, 2022

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F7A

CITY OF KINGSTON
Department of Public Works
publicworks@kingston-ny.gov

Edward Norman, Superintendent
Ryan M. Coon, Deputy Superintendent



Steven T. Noble, Mayor

December 30, 2021

Hon. Andrea Shaut, President
Common Council
420 Broadway
Kingston, NY 12401

RE: *Agenda Item – January Finance Meeting*

Dear President Shaut,

I respectfully request this communication be added to the agenda for January's Finance Meeting; I would like to discuss a possible amendment to the Capital Plan or an internal budget transfer to cover the price increases for the Department of Public Works' 2022 Capital Plan.

Your assistance in this matter is greatly appreciated.

Sincerely,

Edward Norman
Superintendent Public Works

EN/mkt

Cc: Comptroller John Tuey
 City Clerk Elisa Tinti

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F1A

**Stuyvesant Apartment Owners LLC
700 White Plains Road, Suite 363
Scarsdale, New York 10583**

December 17, 2021

Via Email

Mr. Daniel Baker
Assessor's Office
420 Broadway
Kingston, New York 12401

Re: Stuyvesant Apartments: Request for PILOT Agreement

Dear Mr. Baker:

Please accept this letter as a formal request to remove the referenced property from the City's 2022 Tax Rolls and enter into a Payment in Lieu of Taxes (PILOT) Agreement and PILOT Mortgage for the property.

In support of this request, I have attached the following:

1. Site Location Map
2. Exterior Photographs of Stuyvesant Complex
3. Project Narrative – Concept Paper
4. Draft Resolution Authorizing PILOT Agreement
5. Draft PILOT Agreement
6. Draft PILOT Mortgage

Background

Stuyvesant Apartments is a 120-unit (40 1BR/80 2BR) Development. The apartments are dispersed in seven two story buildings located on Sheehan Court in the vicinity of St. Mary's cemetery on Flatbush Avenue.

The property is currently owned by Stuyvesant Charter Inc. (Stuyvesant Charter), a local not for profit corporation which is affiliated with the Kingston Housing Authority (KHA). After a request for qualifications (RFQ) process, the KHA and Stuyvesant Charter selected Mountco Construction and Development Corp. to be their partner in the redevelopment of the Stuyvesant Apartments complex.

As set forth in more detail in the Project Narrative-Concept Paper, the KHA/Stuyvesant Charter/Mountco team expect to obtain 4% Tax Credits from the New York State Housing Finance Agency, which is also expected to issue Tax-Exempt Bonds and a Low Interest Subordinate Loan for the project. The goal is to completely renovate Stuyvesant Apartments so that the development can be maintained as Affordable Housing for a new 30 year life-cycle. Stuyvesant Charter has entered into a Purchase and Sale contract with Stuyvesant Apartments Owners LLC, an entity that essentially is a Joint Venture between Stuyvesant Charter and Mountco.

Key Elements of Development Plan

- Stuyvesant Apartments will be completely renovated

- There will be no displacement/relocation of households (tenant-in-place rehab)
- No household will pay more than 30% of its income for rent
- There will be no change to number/bedroom distribution of units
- There is a possibility that in the future 20-40 additional affordable housing units could be added at the site

PILOT/Municipal Impact Fee Proposal

We believe the property is currently paying approximately \$129,000 in property taxes. Our PILOT proposal is as follows:

1. \$1,200 per unit, for an annual PILOT payment of \$144,00.00: this is an increase of 11.1% over current payments
2. Annual increase of 2.5% per year
3. 32 Year Term
4. One-time Municipal Impact Fee payment of \$120,000 (\$1,000 per Unit)

Benefits to City

We believe that the Stuyvesant Apartments Redevelopment project will provide a number of significant financial and other benefits for the City that should be considered when evaluating this PILOT request. They include:

1. Preservation of Stuyvesant Apartments, a vital affordable housing resource
2. Generation of almost \$150,000 in fees to City (MIF and Building Permit)
3. Creation of construction employment opportunities for KHA residents
4. Creation of Sub-Contracting construction work opportunities for local construction firms
5. Potential for additional affordable housing on site which will generate additional property tax revenues
6. The KHA gets to share several million dollars of Developers Fees which can be used to improve its other projects

Please note that the draft Resolution authorizing the PILOT Agreement, the draft PILOT Agreement, and the draft PILOT Mortgage have not yet been fully reviewed by the Counsel to the KHA or Stuyvesant Apartment Owners LLC, and are submitted subject to that review. We can provide redlined/bluelined versions from the models which you sent me, and blacklined versions as well. Once we get further into our discussion we can provide these documents in word form for your convenience.

We are working with the New York State Housing Finance Agency to close on the financing of this project within the next several months. We would ask your assistance in evaluating and considering this request as soon as possible.

Thank you for your anticipated cooperation and assistance in this matter.

Very truly yours,



John Madeo

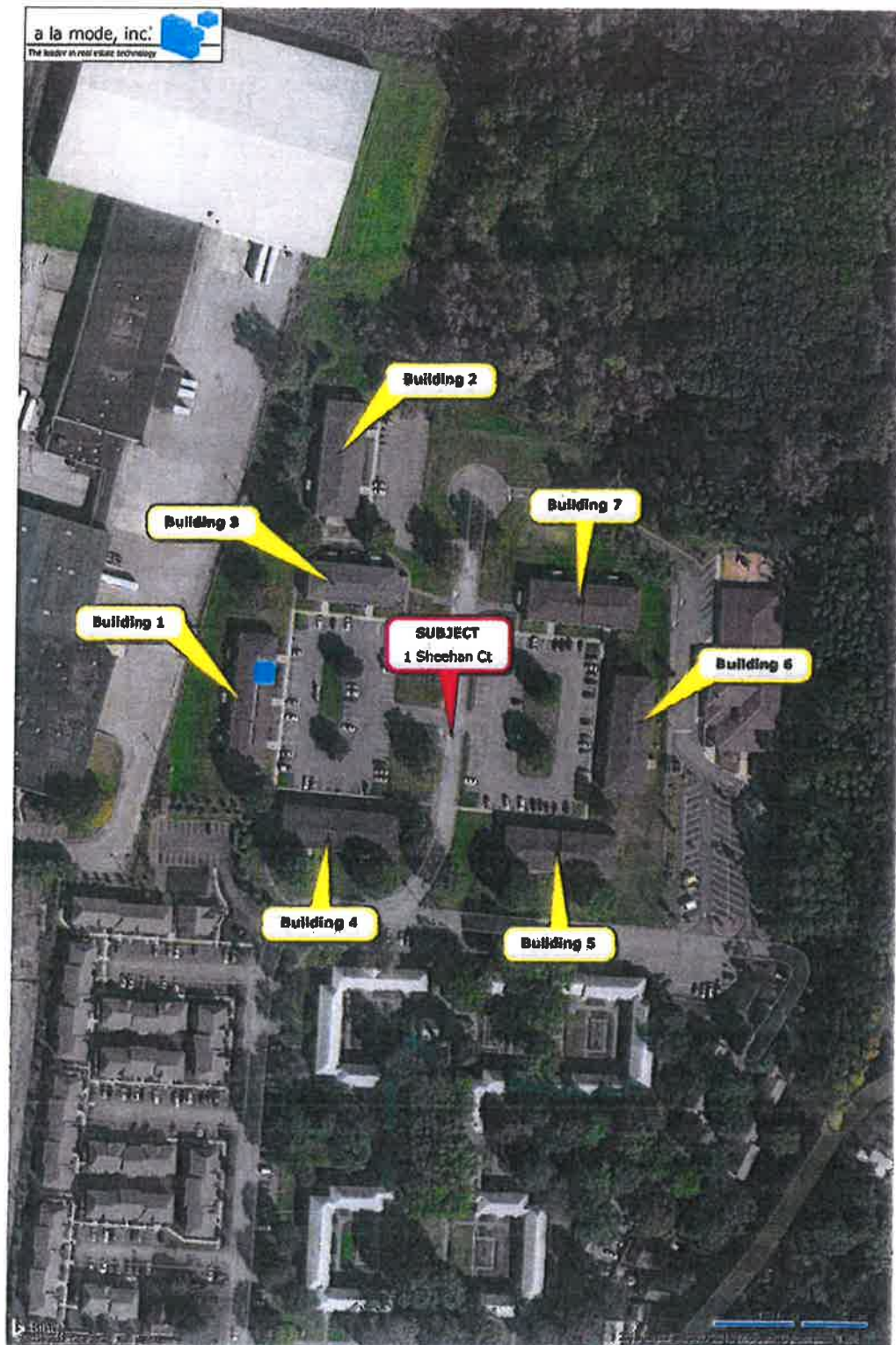
cc: Mayor Steven Noble

Marge Knox, Chairperson, KHA
Benjamin O'Shea, Executive Director, KHA
Brian Lawlor, Counsel, KHA
John Furst, Counsel, KHA

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The leader in real estate technology



AERIAL MAP



PHOTOGRAPH PAGES



Typical exterior views of the subject complex

Stuyvesant Apartments-Project Narrative-

- I. **Overview-** The Applicant is proposing the acquisition and rehabilitation of Stuyvesant Apartments (Stuyvesant), a 120 unit affordable housing development for families. This project is the cornerstone of a redevelopment effort on the part of the Kingston Housing Authority (KHA), working in conjunction with the U.S. Department of Housing and Urban Development (HUD) and the NYS Division of Homes and Community Renewal (HCR) to restructure its entire housing portfolio.

The project will be undertaken as a tenant-in-place rehab. It will create long-term financial stability for the development. No residents will be required to pay more than 30% of their income for rent.
- II. **Site Location/Status-** Stuyvesant Apartments (Stuyvesant) is located at 1-144 Sheehan Court, Kingston, NY (Section 48.74, Block 3, Lot 8). The site is located just north of Flatbush Avenue (NYS RT 32) on Colonial Drive. The property is located in a R-6 Multiple Resident District zone, which permits the existence of multi-family dwellings.

Police, Fire and medical facilities are within approximately 1-1.5 miles. Public transportation and many neighborhood conveniences are within walking distance.
- III. **Physical Layout-** The project is comprised of seven buildings located on a parcel of approximately 9.1 acres. Each building is a two story walk-up, built on-grade, and is of masonry/wood-frame construction, with a brick and shingle exterior. There is a playground, recreational areas, and ample (171 spaces) parking for residents and visitors. There are a total of 40 one-bedroom apartments and 80 two-bedroom apartments. The project has a total of 112,500 sq. ft. of residential space. site is fully serviced by all utilities. Each of the residential buildings has laundry facilities for the residents. The utilities are paid for by the owner. There is no gas supply on site.
- IV. **Organizational Structure-** Stuyvesant is owned by Stuyvesant Charter, Inc. (SCI), a locally-based not-for-profit housing corporation which is affiliated with the KHA. The property will be developed and owned by Stuyvesant Apartment Owner's LLC ("the Applicant"), a single purpose entity that will be controlled by affiliates of the KHA and Mountco Construction and Development Corp. (Mountco).
- V. **Need-** It should be noted that the project is overwhelmingly occupied by households in the very-low (<30%) and low-<50% income categories. In fact, almost 90% of the households have incomes at or below 50% of the median area income. The development is over 40 years old, and are in need of major renovation to provide decent, safe, and sanitary conditions for a new 30 year life-cycle. Without the planned rehabilitation work this affordable housing stock is likely to continue the downward spiral in its physical condition, and eventually it could be lost to the community thereby exacerbating the local affordable housing crisis.
- VI. **Financing Narrative-** The proposed financing for the project is typical of the financing focused throughout the country to renovate older affordable housing developments like Stuyvesant Apartments. The Applicant is requesting that NYSHCR issue a 4% tax credit allocation, and subsidy financing, and that the NYSHFA issue tax-exempt bonds for the project.

Resolution ____ of 2021

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE EXECUTION OF A PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT BY AND AMONG THE CITY OF KINGSTON, STUYVESANT APARTMENTS OWNERS LLC AND STUYVESANT APARTMENTS HOUSING DEVELOPMENT FUND COMPANY, INC.

Sponsored By: Finance and Audit Committee: Aldermen:

WHEREAS, the City of Kingston (the "City") desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for individuals and families with low incomes; and

WHEREAS, Stuyvesant Apartments Housing Development Fund Company, Inc., a [to-be-formed] a New York not-for-profit corporation organized under Article XI of the New York Private Housing Finance Law (the "HDFC") and Stuyvesant Apartments Owners LLC, a New York limited liability company (the "Company"), have identified a certain improved parcel of real property located at 1-143 Sheehan Court, City of Kingston, County of Ulster, State of New York, (the "Property"), for the purpose of redeveloping on the Property a housing project for individuals and families of low income to be commonly known as Stuyvesant Apartments, said project to consist of: (i) the acquisition of a leasehold interest in the Property; (ii) the renovation of existing buildings on the Property and rehabilitation of the improvements thereon to provide for approximately one hundred twenty (120) units of housing for individuals and families of low income and commercial and civic space (the "Improvements"); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment", and collectively with the Property and the Improvements, the "Project"); and

WHEREAS, the HDFC has been formed for the purpose of providing residential rental accommodations for individuals and families of low income; and

WHEREAS, the HDFC has, or will, acquire leasehold title to the Property, as nominee for the Company, and has, or will, convey its equitable and beneficial leasehold interests in the Property to the Company in furtherance of the redevelopment of the Project; and

WHEREAS, the HDFC's and the Company's plan for the use of the Property constitutes a "housing project" as that term is defined in the Private Housing Finance Law of the State of New York ("PHFL"); and

WHEREAS, THE HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Members of the City of Kingston Common Council to exempt the Project from real property taxes; and

WHEREAS, the HDFC is, or will be, a member of the managing member of the Company; and

WHEREAS, the Company and the HDFC are willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the City as set forth in the PILOT Agreement presented to this Common Council for approval, a copy of which is attached hereto as Exhibit A.

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

SECTION-1. That the Common Council of the City of Kingston hereby exempts theProject from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement among the City, the Company and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement.

SECTION-2. That upon formation of the HDFC, the Mayor of the City of Kingston is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the City.

SECTION-3. This resolution shall take effect immediately.

Submitted to the Mayor this _____ day of
December_____, 2021

Approved by the Mayor this _____ day of
December _____, 2021

_____, City Clerk

_____, Mayor

Adopted by Council on December _____, 2021

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT)
BY AND AMONG THE CITY OF KINGSTON, STUYVESTANT APARTMENTS
OWNERS LLC
AND STUYVESANT APARTMENTS HOUSING DEVELOPMENT FUND COMPANY,
INC.**

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the "Agreement"), dated November 11, 2021, by and among the **CITY OF KINGSTON, NEW YORK**, a New York incorporated municipality, having its principal office located at City Hall, 420 Broadway, Kingston, New York 12401 (the "City"), and **STUYVESANT APARTMENTS HOUSING DEVELOPMENT FUND COMPANY, INC.**, a New York not-for-profit corporation organized under Article XI of the New York Private Housing Finance Law, having its principal office located c/o 132 Rondout Drive, Kingston, New York 12401 (the "HDFC"), and Stuyvesant Apartments Owners LLC, a New York limited liability company having its principal office located at 700 White Plains Road, Suite 363, Scarsdale, New York 10583 (the "Company")

WHEREAS, the HDFC is, or will become, the bare legal or record leasehold owner, and the Company is, or will become, the beneficial and equitable leasehold owner, of certain real property and improvements located at 1-143 Sheehan Court, City of Kingston, County of Ulster, State of New York, having tax map number Section 48.74, Block 3, Lot 8, as more particularly described in Exhibit A attached hereto (the "Property"); and

WHEREAS, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law ("PHFL"); and

WHEREAS, the HDFC is a member of the managing member of the Company; and

WHEREAS, the HDFC and the Company have been formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the Company will , redevelop, own, maintain and operate a housing project for persons of low income at the Property, anticipated to consist of approximately one-hundred twenty (120) residential rental units for families, to be commonly known as Stuyvesant Apartments (the "Project"); and

WHEREAS, the HDFC has or will acquire leasehold title to the Property, as nominee for the Company, and has or will convey its equitable and beneficial leasehold interests in the Property to the Company in furtherance of the redevelopment of the Project; and

WHEREAS, the HDFC's and the LLC's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, the HDFC is "housing development fund company" as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local

improvements, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the Council Members of the City of Kingston, New York, by resolution adopted December, 2021, approved and authorized the Mayor's execution of this Agreement:

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL, the City hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both the land and the improvements included in the Project. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by any affected Taxing Jurisdiction (as defined in Subdivision I (b) of Section 577 of the PHFL), which has jurisdiction over the Property, including City, Ulster County and Kingston City School District taxes, and intending to bind the applicable Taxing Jurisdictions to the fullest extent provided under Section 577 of the PHFL (collectively, the "Taxing Jurisdictions").
2. This tax exemption will take effect on the first tax status date for the Taxing Jurisdictions following the date of the HDfC's acquisition of the leasehold interest in the Property and shall continue for a period of thirty-two (32) years, unless terminated earlier as a result of an Event of Default as provided in Section 6 in this Agreement. This Agreement shall not limit or restrict the HDfC's or the Company's right to apply for or obtain any other tax exemption to which the Property might be entitled upon the expiration of this Agreement.
3. For so long as the exemption hereunder continues, the Company shall make annual payments in lieu of taxes in the amount of One-Hundred Forty-Four Thousand and 00/100 Dollars (\$144,000.00) per year for the first two years (pro-rated for the year in which the HDfC acquires leasehold title to the Property, increasing two and one-half percent (2.5%) annually thereafter, on or before January 31st, which PILOT payments shall cover all Local and Municipal Taxes, other than assessments for local improvements, owed in connection with the Property and the Project, and which payments shall be shared by the Taxing Jurisdictions on the same basis as property taxes would be shared if the Property and the Project were fully taxed. If additional units in excess of the aforementioned one-hundred twenty (120) residential units are developed on the Property, the additional units will pay full property taxes or a separate PILOT Agreement will need to be negotiated with the City.
4. The tax exemption provided by this Agreement will continue for the term described above provided that the Property and the Project continue to be used as housing facilities for persons of low income and any of the following occur (i) the HDfC and/or the Company own and operate the Property and the Project in conformance with Article XI of the PHFL; or (ii) in the event an action is brought to foreclose a mortgage upon the Property and the legal and beneficial interest in the Property and the Project shall be acquired at the foreclosure sale, or from the mortgagee or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to

Article XI of the PHFL and such successor in interest operates the Project in conformance with Article XI of the PHFL.

5. The failure to make the required payment will be treated as failure to make payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes, including but not limited to enforcement and collection of taxes to the extent permitted by law.

6. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery.

7. This Agreement shall inure to the benefit of and shall be binding upon the City, the HDFC and the Company and their respective successors and assigns, including the successors in interest of the HDFC and the Company. There shall be no assignment of this Agreement by the HDFC or the Company except with prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

8. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

9. No waiver or modification of this Agreement or any covenant, condition or limitation therein shall be valid unless in writing and duly executed by the individual party to be charged therewith; and no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties hereto arising out of or affecting this Agreement, or the rights or obligations of any party hereunder, unless such waiver or modification is in writing, duly executed as aforesaid. The provisions of this Section may be waived as herein set forth.

10. This Agreement and the performance hereunder, and all actions and special proceedings relating thereto shall be construed in accordance with, under, and pursuant to the laws of the State of New York.

11. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

12. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the Property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

13. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized and does not require any other consent or approval, (ii) does not violate any article, by-law or organizational document or any law, rule, regulation, order, writ, judgment or decree by which it is bound. and (iii), will not result in or constitute a default under any indenture, credit agreement, or any other agreement or instrument to which any of them is a party. Each party represents that this Agreement shall constitute the legal, valid and binding agreement of the parties enforceable in accordance with its terms.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the City, the HDFC and the Company have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

CITY OF KINGSTON, NEW YORK

DATED: December , 2021

By: _____

Name:

Title:

**STUYVESANT APARTMENTS
HOUSING DEVELOPMENT FUND
COMPANY, INC.**

DATED: December , 2021

By: _____

Name: Benjamin O'Shea

Title: President

**STUYVESTANT APARTMENTS
OWNERS LLC**

DATED: December , 2021

By: _____

Name: John Madeo

Title: Authorized Representative

STATE OF (_____)

) SS.:

COUNTY OF _____)

On the _____ day of December in the year 2021, before me personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF _____)

) SS.:

COUNTY OF _____)

On the _____ day of December in the year 2021, before me personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

5

F1A

Tinti, Elisa

From: Tallerman, Donald
Sent: Monday, December 20, 2021 10:20 AM
To: Shaut, Andrea
Cc: Noble, Steve; Tinti, Elisa; Tuey, John
Subject: Communication regarding City Hall Interior Upgrades

Dear President Shaut –

As you know, the interior of City Hall has many rooms that need to be upgraded. I request the sum of \$80,000 to pay for upgrades in 5 rooms, detailed below.

Rooms with acute needs are:

Conference Room 1

Furniture and carpet are old raged and mismatched. Also the walls need to be painted.

Conference Room 2

Ceiling needs repair due to water leak.

Furniture and carpet are old raged and mismatched. Also the walls need to be painted.

Upstairs Bathroom

Leak in the ceiling from last year created damage in the ceiling that needs to be repaired.

Mayor's Conference Room

Furniture and carpet are old raged and mismatched. Also the walls need to be painted.

Mayor's office

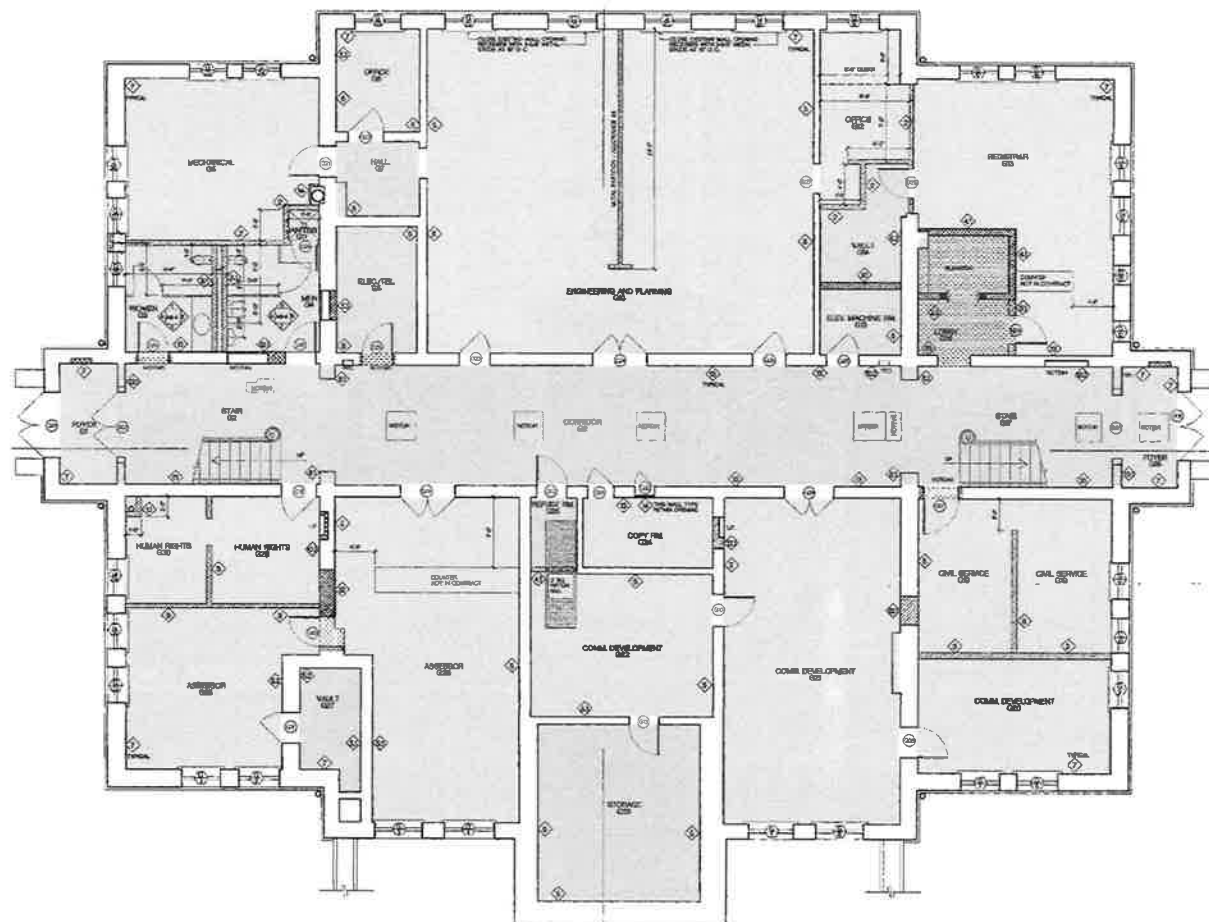
Some chairs are frayed and need to be either reupholstered or replaced. New carpet and paint would be beneficial.

As you know, City Hall will have it's 150 year centennial in 2022. Events will be scheduled to honor this anniversary. The interior of the building is also important to freshen, especially those rooms where the public, commissions and committees and VIPs come to visit.

Thank you

Donald Tallerman
917-318-7420

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.



GROUND FLOOR PLAN

PLAN WAS PROVIDED BY KINGSTON CITY HALL. SITE MEASUREMENTS TAKEN ON OCTOBER 13TH, 2021 ARE NOT REFLECTED IN THIS DRAWING. THIS DRAWING IS MEANT TO BE USED AS A VISUAL AID ONLY TO DEPICT WHICH AREAS ARE INCLUDED IN THE 2022 RENOVATION BUDGET.

KEY



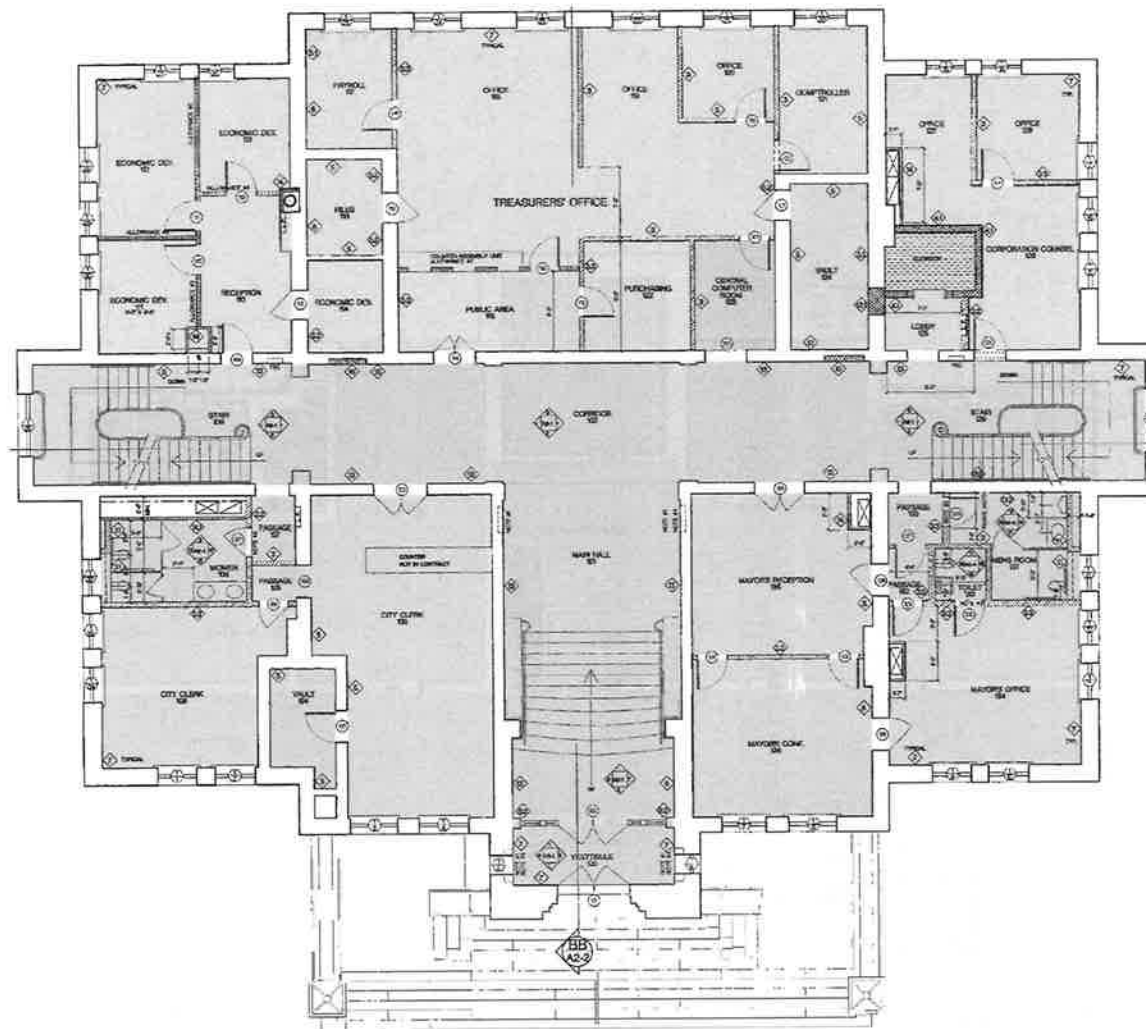
SITE MEASURED BY SCI
INCLUDED IN BUDGET SCOPE



NOT SITE MEASURED BY SCI
INCLUDED IN BUDGET, SUBJECT
TO CHANGE DEPENDING ON
ROOM NEEDS



NOT INCLUDED IN SCOPE



FIRST FLOOR PLAN

PLAN WAS PROVIDED BY KINGSTON CITY HALL. SITE MEASUREMENTS TAKEN ON OCTOBER 13TH, 2021 ARE NOT REFLECTED IN THIS DRAWING. THIS DRAWING IS MEANT TO BE USED AS A VISUAL AID ONLY TO DEPICT WHICH AREAS ARE INCLUDED IN THE 2022 RENOVATION BUDGET.

KEY



SITE MEASURED BY SCI
INCLUDED IN BUDGET SCOPE



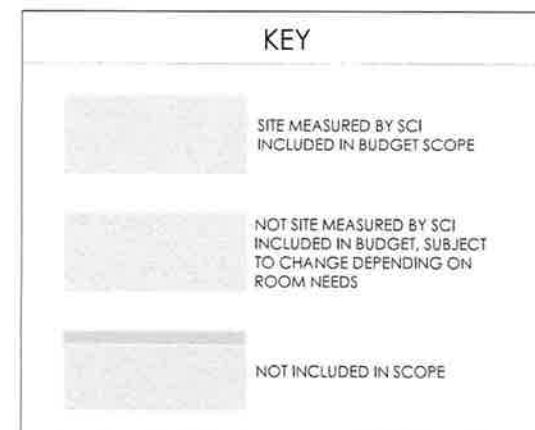
NOT SITE MEASURED BY SCI
INCLUDED IN BUDGET, SUBJECT
TO CHANGE DEPENDING ON
ROOM NEEDS



NOT INCLUDED IN SCOPE



PLAN WAS PROVIDED BY KINGSTON CITY HALL. SITE MEASUREMENTS TAKEN ON OCTOBER 13TH, 2021 ARE NOT REFLECTED IN THIS DRAWING. THIS DRAWING IS MEANT TO BE USED AS A VISUAL AID ONLY TO DEPICT WHICH AREAS ARE INCLUDED IN THE 2022 RENOVATION BUDGET.



SCI

Standard
Commercial
Interiors



KINGSTON CITY HALL

2022 RENOVATION BUDGET

DATE: OCTOBER 27TH, 2021
DESIGNER: AFTON BEATTIE













2022 RENOVATION BUDGET

\$ 700,000.00

This budget price includes:

- Furniture including Standard Commercial Interiors receiving product, warehousing for up to 30 days, delivery, installation, removal of trash and debris, etc.
- Carpet estimate including removal and disposal of existing carpet and installation of new carpet tiles. Carpet installers would need to inspect the site prior to finalizing this cost.
- Paint estimate

This budget **does not** include electrical work, lighting, HVAC, plumbing, demolition, construction, etc.

Pricing is preliminary and budgetary. Pricing is subject to change with project scope, product quantities, layouts, finish selections, price increases, surcharges, freight fees, inflation, etc. Pricing is updated for 2022 as much as possible, but additional price increases are expected per manufacturer in the following months.

6

F7A

Mesches, Sue

From: Tinti, Elisa
Sent: Thursday, December 30, 2021 11:51 AM
To: Mesches, Sue
Subject: Fwd: Pike Plan Communication

Sent from my iPhone

Begin forwarded message:

From: "Tallerman, Donald" <dtallerman@kingston-ny.gov>
Date: December 20, 2021 at 12:07:19 PM EST
To: "Shaut, Andrea" <ashaut@kingston-ny.gov>
Cc: Carl Frankel <carlfrankel@gmail.com>, "Schultheis, John" <jschultheis@kingston-ny.gov>, "Norman, Edward" <enorman@kingston-ny.gov>, "Tinti, Elisa" <emtinti@kingston-ny.gov>, "Noble, Steve" <SNoble@kingston-ny.gov>, "Smith, Summer" <ssmith@kingston-ny.gov>
Subject: Pike Plan Communication

Dear President Shaut –

This provides a communication regarding the Pike Plan. As you know, there has been a longstanding conversation to either to 1) invest in it, making necessary repairs and making it shine OR 2) demolish it. Either way is an expensive proposition, each with its merits and disadvantages.

Several years ago, a quick online survey was done to ask the public and business/building owners (those who have retail space under the canopy) their opinion on the Pike Plan. Unfortunately, this survey 1) had a very small response rate and 2) neglected to ask voters that if they wanted to keep the structure, would they also agree to increased taxes to pay for proper maintenance.

I propose that the City undertake a comprehensive survey, to all of our citizens, to properly gauge their opinion on the Pike Plan and whether they would agree to pay for proper maintenance. I suggest that building owners/store owners also be asked their opinion in a parallel but separate survey, where the City explains what the City would be willing to do in either scenario.

I request a sum of \$8,000 to conduct these surveys.

Carl Frankel, incoming Alderman for Ward 2, has agreed to continue the work on this proposal into 2022.

Thank you very much,

Don

--

Don Tallerman
Alderman - Ward 5
917-318-7420

 
Tinti, Elisa

From: Tallerman, Donald
Sent: Friday, October 29, 2021 9:18 AM
To: Shaut, Andrea
Cc: Tinti, Elisa
Subject: Re: Communication Regarding Pike Plan

Hi Andrea. Can you please confirm receipt of this communication? Thanks very much.

Don

On 10/27/2021 12:29 PM, Don Tallerman wrote:

> Hi Andrea. Please confirm receipt of this communication. Thanks.

>

>

>

> On 10/26/2021 8:40 AM, Don Tallerman wrote:

>> Hello President Shaut.

>>

>> The Pike Plan in uptown Kingston is an architectural signature of our

>> City. The Canopy is part of what makes our City unique. As you

>> know, the last rehabilitation around 2015 was poorly done and there

>> are many areas of the Canopy that are in bad shape. This includes

>> rotting wood, leaking flashing & gutters, etc. In some instances,

>> this is a safety issue because if a section were to collapse there is

>> the potential for injury.

>>

>> The current budget of approximately \$5,000 is not nearly enough to

>> maintain the canopy, let alone repair it.

>>

>> After numerous conversations with DPW and our Engineering Department,

>> we have an estimate for what it would take to bring the Canopy into a

>> decent state of repair and maintenance:

>>

>> - Repair of many of the damaged sections: \$1.15 Million. This would

>> include all design & engineering costs.

>>

>> - Ongoing annual maintenance: \$130,000. This includes electricity,

>> periodic painting, ongoing necessary repairs.

>>

>> For an upcoming Finance meeting, I will invite John Schultheis and Ed

>> Norman to participate in the discussion.

>>

>> Thank you very much,

>>

>> Don

>>

>>

>>

>

Don Tallerman
Alderman - Ward 5
917-318-7420

OLD BUSINESS



Tinti, Elisa

From: Shaut, Andrea
Sent: Wednesday, July 14, 2021 11:12 PM
To: Scott-Childress, Reynolds; Davis, Tony; Schabot, Steven; Tallerman, Donald; Hirsch, Michele
Cc: Tinti, Elisa
Subject: Albany Law - ATV
Attachments: Local Law E - Dirtbikes and ATVs (AA 4.3.21) (1).docx

Good evening,

As promised, see the attached for the law from Albany re:ATVs. You will see their fees under penalties. If I find others, I will pass it along, but figured information quickly would help for August prep.

Elisa – can you include this in my folder? It'll be good to include on the agenda. Thanks!

Kindly yours,

Andrea Shaut

Council President, City of Kingston

Council Members Conti, Balarin, and Love introduced the following:

LOCAL LAW E OF 2021 (MC) (*As Amended 04/03/2021*)

A LOCAL LAW AMENDING CHAPTER 357 (VEHICLES, OFF ROAD) OF THE CODE OF THE CITY OF ALBANY RELATING TO THE ILLEGAL OPERATION OF OFF-ROAD VEHICLES IN THE CITY OF ALBANY

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Chapter 357 (Vehicles, Off-Road) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

§ 357-1 Purpose and intent.

~~[The Common Council hereby finds and declares that the interests of public welfare and convenience require the preservation, promotion and protection of the aesthetic and ecological aspects of the environs of the City of Albany and intends through this legislation to preserve, promote and protect the aesthetic and ecological integrity of the Pine Bush.]~~

[§ 357-2 Scope.

~~The provisions of this chapter, unless otherwise expressly indicated or subsequently amended, are intended to apply and shall have application to the area of the City of Albany known as the "Pine Bush."]~~

§ [357-3] 357-1 Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

OFF-THE-ROAD VEHICLES

All-terrain vehicles (sometimes known as "ATVs") as that term is defined in section 2281 (1) of the New York State Vehicle and Traffic Law, off-highway motorcycles as that term is defined in section 125-a of the New York State Vehicle and Traffic Law, motocross or dirt bikes, dune buggies, go-carts and any and all other types of motorized trail bikes or vehicles that are manufactured for sale or operation primarily on off-highway trails or for off highway competitions and are only incidentally operated on public highways. Nothing contained herein, however, shall be deemed to apply to or prohibit the use of bicycles in this area.

OPERATE

To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicle in any manner, whether or not said off-road vehicle is under way.

PUBLIC HIGHWAY

Matter in brackets and ~~[strike through]~~ to be deleted. Matter underlined is new material.

Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

§ ~~357-4~~ 357-2 Restrictions.

~~[No off the road vehicles shall be used or operated on, upon, through or over the trails, trail system, dunes or other unpaved areas of the Pine Bush, the Albany Municipal Golf Course, Normanskill Farm, Tivoli Lakes, the Corning Reserve and Lower Patroon Island, Krank Park and the public lands in the vicinity of Frisbie Avenue not otherwise specifically designated or intended for vehicular traffic.]~~

- A. Public Property. No person shall operate an off-road vehicle on a public highway or on any public property in the City of Albany.
- B. Private Property. No person shall operate an off-road vehicle off a public highway on private property in the City Of Albany unless such person has first obtained the express consent of the owner or occupant of such property to operate the off-road vehicle on the property. There shall be a rebuttable presumption that the operator of an off-road vehicle on private property in the City of Albany lacks consent to operate the off-road vehicle on private property.

§ ~~357-5~~ 357-3 Penalties for offenses; impoundment and redemption.

- A. Any person ~~[or persons so using or operating an off the road vehicles as aforesaid]~~ who operates an off-road vehicle in violation of § 357-2 (A) or (B) of this chapter shall be guilty of an offense punishable by a fine not to exceed \$650 or imprisonment not to exceed 15 days, or both.
- B. In addition to the penalties set forth in subsection (A) of this section, a police officer may immediately impound an off-road vehicle that has been operated in violation of § 357-2 (A) or (B) of this chapter. Such impounded off-road vehicle shall be stored by the pertinent police department or enforcement agency pending the identification of the owner of such off-road vehicle as registered with the New York State Department of Motor Vehicles. Such title owner shall be sent notice of such impoundment at the address on file with the New York State Department of Motor Vehicles by certified mail within five days after the impoundment. Neither the police department impounding such off-road vehicle, nor the City of Albany, nor any agent nor employee thereof, shall be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the off-road vehicle operated in violation of § 357-2 (A) or (B) of this chapter may redeem such off-road vehicle upon satisfactory proof of ownership and payment of a redemption fee of \$2,350. An off-road vehicle impounded under this subsection shall only be released to the owner of such off-road vehicle, or to such owner's agent as evidenced by a written, notarized proof of agency, or duly executed power of attorney.

§ ~~[357-6]~~ 357-4 Enforcement.

The Chief of Police is charged with the enforcement of the provisions of this chapter.

§ ~~[357-7]~~ 357-5 Severability.

If any clause, sentence, paragraph or part of this chapter or application thereof to any person or circumstances shall be judged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons or circumstances directly involved in the controversy in which the judgment shall have been rendered.

~~§ 357-8 When effective.~~

~~This chapter shall take effect immediately.]~~

Section 2. Section 359-27 (Unclaimed Vehicles; public auction) of Chapter 359 (Vehicles and Traffic) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

§ 359-27 Unclaimed vehicles; public auction.

Whenever any vehicle which has been impounded by the Department of Police remains in the possession of the Department unclaimed by any person having the right to the possession of such vehicle for a period of 60 days, such vehicles ~~[shall]~~ may be: (a) sold under the direction of the Purchasing Agent, at public auction, to the highest bidder after notice of such auction has been given for not less than one week, by one publication in the newspaper of the City of Albany; (b) sold for scrap; or (c) destroyed.

Section 3. Section 359-29 (Redeeming of vehicles) of Chapter 359 (Vehicles and Traffic) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

§ 359-29 Redeeming of vehicles.

The owner of such vehicles or his agent may, within 60 days from the date of impounding, redeem the vehicle by paying to the Chief of Police the sum of \$70 for towing or hauling and storage charges not exceeding \$20 per day for each day impounded. ~~[He]~~ Such owner or agent shall also sign a written receipt for such vehicle. Said sums shall be in addition to any bond required for the violation for which the vehicle was towed, in addition to any redemption fee established in this Code, and in addition to any outstanding fines due for parking, stopping or standing violations.

Section 3. This local law shall take effect upon final passage, public hearing, and filing with the Secretary of State.

**APPROVED AS TO FORM THIS
3RD DAY OF APRIL, 2021**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Brett Williams, Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: March 9, 2021, Updated April 3, 2021

Sponsor(s): Balarin, Conti, and Love

Local Law E of 2021 (*As Amended 04/03/2021*)

TITLE

A LOCAL LAW AMENDING CHAPTER 357 (VEHICLES, OFF ROAD) OF THE CODE OF THE CITY OF ALBANY RELATING TO THE ILLEGAL OPERATION OF OFF-ROAD VEHICLES IN THE CITY OF ALBANY

GENERAL PURPOSE OF THE LEGISLATION

The reckless operation of illegal, unregistered dirt bikes, ATVs, and other non-street legal vehicles on the streets and in the parks of Albany has been a scourge on City residents and visitors in recent years – particularly during the summer. The operators of these vehicles, usually in groups, ride with abandon over many parts of the City with no regard for traffic laws, their own well-being, or the safety of bystanders, let alone the considerable noise their vehicles generate, disturbing the peace as they maraud across the City.

While the operation of dirt bikes and ATVs is already illegal on public highways under the New York State Vehicle and Traffic Law, this law makes it explicitly unlawful to operate such vehicles on the public highways, in the public parks, or on any other private land in the City of Albany. It also expressly forbids the operation of these vehicles on private property without the express consent of the owner or occupant of such property.

This local law also allows the police to impound any vehicles used in violation of this local law, provides for a \$2,350 redemption fee, which the title owner of a vehicle impounded under this law must pay before the vehicle will be released back to the owner. Together with the maximum \$650 fine already in place for violations of Chapter 357, violators of this Chapter will now face up to \$3,000 in fines and fees for each violation.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Chapter 357 of the Code, as it stands now, bans the use of “off-the-road” vehicles only “on, upon, through or over the trails, trail system, dunes or other unpaved areas of the Pine Bush, the Albany Municipal Golf Course, Normanskill Farm, Tivoli Lakes, the Corning Reserve and Lower Patroon Island, Krank Park and the public lands in the vicinity of Frisbie Avenue not otherwise specifically

designated or intended for vehicular traffic.” This law expands and clarifies the definition of “off-road vehicles” and bans their operation on public property, as well as private property without the owner or occupant’s permission, throughout the City.

This law retains the former Chapter 357’s maximum \$650 fine for a violation of the chapter, but allows the police to impound vehicles used in the commission of such violations and establishes a redemption fee, as discussed above, which vehicle owners must pay in order to receive their vehicles back.

Amendments have also been made to the sections of Chapter 357 dealing with the release of impounded vehicles, in order to authorize the collection of the redemption fee and allow APD to destroy or sell impounded vehicles for scrap.

FISCAL IMPACT

This law adds an impoundment redemption fee of \$2,350 which did not exist in the former version of Chapter 357.



Tinti, Elisa

From: Shaut, Andrea
Sent: Wednesday, July 14, 2021 6:42 AM
To: Tinti, Elisa
Cc: Scott-Childress, Reynolds; Tuey, John
Subject: Tonight's Finance

Good morning,

Last night two resolutions (#139 & 140) were referred to finance to discuss next steps – the fee schedule for the ATV ban, and a hotel licensing fee. Can we make sure to add these to the agenda?

Thank you,

Andrea Shaut

Council President, City of Kingston

RESOLUTION 139 of 2021

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
PROHIBITING THE USE OF ALL TERRAIN VEHICLES ON PUBLIC AND CITY OWNED
PROPERTIES AND REFERRING SAME TO THE FINANCE AND AUDIT COMMITTEE FOR
CONSIDERATION OF THE RELATED FEES ON THE FEE SCHEDULE**

Sponsored By: Laws and Rule Committee: Alderman: Ventura
Morell, Scott-Childress, Worthington, Tallerman,
O'Reilly

WHEREAS, request has been made to add a sub section prohibiting the use of All Terrain Vehicles (ATVs) on public and city owned properties or public parks; and

WHEREAS, that the consideration of related fees be referred to the Finance and Audit Committee for inclusion on the Fee Schedule.

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

SECTION 1. That the Common Council of the City of Kingston, New York, authorizes adding a sub-section 148-4 (o) prohibiting the operation of All Terrain Vehicles (ATVs) on public and city owned properties or public parks.

SECTION 2. That the consideration of an increase in impoundment fees be referred to the Finance and Audit Committee.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of
_____, 2021

Approved by the Mayor this ____ day of
_____, 2021

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2021

