

SCHENECTADY CITY COUNCIL COMMITTEE AGENDA

for
Monday, September 3, 2019
5:30 p.m.
Room 110

The Council President reserves the right to add or delete any agenda item prior to Committee Meeting.

Administrative Efficiency

- 1 Presentation – United States Census 2020 Ed Kosiur

Government Operations

- 1 Update - Miracle on Craig Street Marion Porterfield
- 2 Review – DSAD / DSIC District Expansion Carl Falotico

Public Safety

- 1 Update – Civilian Police Review Board Ed Kosiur
- 2 Discussion – Bicycle Safety on Schenectady Streets John Polimeni

City Development & Planning

- 1 ABAC for the Ardsley Road Sidewalk Restoration Chris Wallin
- 2 Sale of 1 Harvard Street Andrew Koldin
- 3 Sale of 547 Mumford Street Andrew Koldin
- 4 Sale of 549 Summit Avenue Andrew Koldin

Public Service & Utilities

- 1 Community Choice Aggregation (CCA) Gary McCarthy
- 2 CR – Friendship Baptist Church’s 100th Anniversary Marion Porterfield

Finance

- 1 Supplemental Bond Ordinance for the Construction and Reconstruction for Improvements to the Waste Water Treatment Plant and the Construction of a New Force Main Anthony Ferrari
- 2 Supplemental Bond Ordinance for the Construction of a New North Ferry Street Pump Station Anthony Ferrari
- 3 Police Chief Sick Time Accruals and Compensation John Polimeni

Claims

- 1 Kears v. City of Schenectady Carl Falotico

Friday, August 30, 2019



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Administrative Efficiency

Committee Date: Tuesday, September 03, 2019

From: Marc Denofio

Subject: Presentation - United States Census 2020

Background Info:

Evaluation/Analysis

Recommendation



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Government Operations

Committee Date: Tuesday, September 03, 2019

From: Marion Porterfield

Subject Update - Miracle on Craig Street

Background Info:

Evaluation/Analysis

Recommendation



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Government Operations

Committee Date: Tuesday, September 03, 2019

From: Carl Falotico

Subject Review - DSAD / DSIC Expansion

Background Info:

Evaluation/Analysis

Recommendation



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Public Safety

Committee Date: Tuesday, September 03, 2019

From: Ed Kosiur

Subject Update - Civilian Police Review Board

Background Info:

Evaluation/Analysis

Recommendation



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Public Safety

Committee Date: Tuesday, September 03, 2019

From: John Polimeni

Subject Discussion - Bicycle Safety on Schenectady Streets

Background Info:

Evaluation/Analysis

Recommendation

The City of Schenectady hereby finds that in order to promote safety and public order within the City, the use of bicycles must be regulated. This new law is aimed at achieving this and that public health, welfare, and good order and the governance of the City will be enhanced by enactment of the regulations set forth in this section.

Reckless or uncontrolled operation.

No person/minor shall operate a bicycle:

- A. Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property.
- B. Without exercising reasonable and ordinary control over such bicycle.
- C. By trick riding or in a weaving or zigzag course, unless such irregular course is necessary for safe operation in compliance with the law.

Impounding.

Whenever any minor operates a bicycle or motorized bicycle in violation of any section of this Code, the bicycle may be seized by any member of the City of Schenectady Police Department and impounded. A bicycle or motorized bicycle so impounded shall be held for a period of 15 days for first infraction, 30 days for second infraction, and 60 days for any infraction thereafter. A bicycle or motorized bicycle so impounded shall be surrendered to the owner, or if the owner is a minor, to the parents or guardians of such minor. A full explanation of the reason for the impounding shall be made to the owner, parent or guardian. The minor and parent/guardian(s) will be required to watch a video of what occurs from reckless or uncontrolled operation of a bicycle and given materials on the safe operation of a bicycle. A complete record of each such impounding shall be kept by the City of Schenectady Police Department.

Intent.

This legislation is intended to be an action of last resort.

The officer will first attempt to engage with the minor to let them know what they are doing is dangerous and why it must stop. If a minor complies with any member of the City of Schenectady Police Department and stops the reckless or uncontrolled operation of his/her bicycle, no confiscation will occur. Should the minor not comply, the Officer will seize the bicycle, as above.

Bicycle Borrowed.

If the bicycle was borrowed by another person that resulted in the confiscation of the bike, the bicycle will be returned to the rightful owner immediately upon proof of ownership.

Legislative Request Form

DEPARTMENT OF ENGINEERING
CHRISTOPHER WALLIN, P.E., CITY ENGINEER



COMMITTEE ASSIGNMENT:

DATE: September 3, 2019

TO: City Council

FROM: Christopher R. Wallin, P.E., City Engineer

SUBJECT: Award the Bid and Contract for the "Ardsley Road Sidewalk Restoration" to Callanan Industries, Inc. in the amount of \$179,435

TO BE PLACED ON COUNCIL AGENDA OF: September 9, 2019

Background Information:

In accordance with the Sidewalk Assessment Program, approved by City Council on March 11, 2019, the residents of Ardsley Road (between Union Street and Rugby Road) made a petition and obtained the required 75% residential approval for the reassessment of their block, for the purposes of having their sidewalks replaced.

Evaluation/Analysis:

The Engineering Department solicited and received bids for "Ardsely Road Sidewalk Restoration". A sole bid was received on August 21, 2019 from Callanan Industries, Inc., of Albany, NY in the Amount of \$179,435. Financing for this project will be from select codes.

Recommendation:

Authorize the Mayor to enter into a contract with Callanan Industries, Inc., for the "Ardsley Road Sidewalk Restoration" in the amount of \$179,435.

LEGISLATION WILL BE PREPARED BY: Engineering
CRW: cd

Plan Holders List

Plan Holders List

Organization Name	Main Contact	Download Date	City	Province/State
Dodge Data & Analytics	Adam Bouman	08/20/2019 05:20 PM EDT	Arlington	Texas
Merit Apprenticeship Alliance	Penelope Hazer	08/19/2019 08:17 AM EDT	Syracuse	New York
Rubric Contracting	Chukwukosolu Amanchukwu	08/17/2019 04:37 PM EDT	Elmhurst	New York
Michael Luizzi Contracting Corp.	Michael Luizzi	08/14/2019 05:12 PM EDT	Albany	New York
I & A Renovation Inc	NAUMAN GHAURI	08/10/2019 02:52 PM EDT	Elmsford	New York
Sparton Construction Group Inc.	Usman Ali	08/09/2019 10:31 PM EDT	staten Island	New York
Eastern Contractors Association	Judy Ploof	08/09/2019 01:20 PM EDT	Albany	New York
Empire Paving of Schenectady, Inc.	Richard Longo	08/09/2019 11:19 AM EDT	Duanesburg	New York
Paul S. Davis	gfgg yrtyrty	08/09/2019 07:23 AM EDT	Memphis	Tennessee
IDMC	Bill Philips	08/08/2019 03:09 PM EDT	Grand Junction	Colorado
Kal-Harbour, Inc.	Scott Sacchi	08/08/2019 02:03 PM EDT	Albany	New York
COMET FLASHER INC	JAMES WRIGHT	08/08/2019 12:31 PM EDT	BUFFALO	New York
Peter Luizzi Bros Contracting Inc	Peter Luizzi	08/08/2019 11:56 AM EDT	Albany	New York
MC Transportation	Miguel Cabrera	08/08/2019 10:40 AM EDT	Bronx	New York
O. H. Striping, Inc.	Jeff Bly	08/08/2019 10:34 AM EDT	corning	New York
Atlantic Testing Laboratories, Limited	Eric M. Van Alstyne	08/08/2019 09:54 AM EDT	Clifton Park	New York
Callanan Industries	Robert Moreau	08/08/2019 09:53 AM EDT	Albany	New York
New Castle Paving	Adrienne McMullen	08/08/2019 09:44 AM EDT	Troy	New York



**CITY OF SCHENECTADY
LEGISLATION REQUEST FORM**

COMMITTEE ASSIGNMENT: City Development & Planning

DATE: 9/3/19

TO: COUNCIL MEMBERS

FROM: Law

SUBJECT: Sale of 1 Harvard St.

Background Information:

Evaluation/Analysis:

Recommendation:

LEGISLATION WILL BE PREPARED BY Law



**CITY OF SCHENECTADY
LEGISLATION REQUEST FORM**

COMMITTEE ASSIGNMENT: City Development & Planning

DATE: 9/3/19

TO: COUNCIL MEMBERS

FROM: Law

SUBJECT: Sale of 547 Mumford St.

Background Information:

Evaluation/Analysis:

Recommendation:

LEGISLATION WILL BE PREPARED BY Law



**CITY OF SCHENECTADY
LEGISLATION REQUEST FORM**

COMMITTEE ASSIGNMENT: City Development & Planning

DATE: 9/3/19

TO: COUNCIL MEMBERS

FROM: Law

SUBJECT: Sale of 549 Summit Ave.

Background Information:

Evaluation/Analysis:

Recommendation:

LEGISLATION WILL BE PREPARED BY Law



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Public Service & Utilities

Committee Date: Tuesday, September 03, 2019

From: Gary McCarthy

Subject: Community Choice Aggregation (CCA)

Background Info:

Evaluation/Analysis

Recommendation

Disclaimer: The primary objective of this document is to assist municipalities in drafting a Local Law to facilitate the creation of Community Choice Aggregation programs in New York State. The following information should not be a substitute for legal advice from an attorney familiar with local requirements.

LOCAL LAW NO. [#]-2019

A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE [CITY, TOWN, or VILLAGE OF _____]

Be it enacted by the [legislative body] of the [City, Town, or Village of _____] as follows:

The Code of the [City, Town, or Village of _____] is hereby amended by adding a new Chapter [#], entitled “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM,” to read as follows:

§1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the [City, Town, or Village of _____] (“Municipality”) and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the policies and models that may offer benefits in New York is Community Choice Aggregation (“CCA”), which allows local governments to determine the default supplier of electricity and natural gas on behalf of Eligible Consumers.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for Eligible Consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program (“CCA Program”) that will allow the Municipality and other local governments to work together through a shared purchasing model to put out for bid the total amount of electricity being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The Municipality is authorized to implement this CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the Municipality.

D. This Chapter shall be known and may be cited as the COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the Municipality.

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

- A. AGGREGATED DATA shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity by month for the past 12 months by service class.
- B. CCA ADMINISTRATOR shall mean [The city / town / village of _____ or third party CCA Administrator] duly authorized to put out for bid the total amount of being purchased by Participating Consumers. CCA Administrator is responsible for Program organization, administration, procurement, and communications, unless otherwise specified.
- C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the Municipality that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- E. DEFAULT SERVICE shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Municipality that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.
- F. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects, shared renewables like community solar, energy efficiency, demand response, energy management, energy storage, microgrid projects and other innovative Reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load

pockets/profile within the CCA's zone, and reduce cost of service for Participating Consumers.

- G. DISTRIBUTION UTILITY shall mean owner or controller of the means of distribution of electricity that is regulated by the Public Service Commission.
- H. ELIGIBLE CONSUMERS shall mean eligible customers of electricity who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Municipality, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality, as such boundaries exist on the effective date of the ESA.
- I. ESCO or ENERGY SERVICES COMPANY mean an entity duly authorized to conduct business in the State of New York as an ESCO.
- J. NEW CONSUMERS shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into Municipality.
- K. PARTICIPATING CONSUMERS shall mean Eligible Consumers enrolled in the Program, either because they are consumers who receive Default Service from the Distribution Utility as of the Effective Date and have not opted out, or are New Consumers.
- L. PROGRAM ORGANIZER shall mean the group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.
- M. PSC CCA ORDER shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."
- N. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.
- O. SUPPLIERS shall mean ESCOs that procure electric power for Eligible Consumers in connection with this Chapter or, alternatively, generators of electricity or other entities who procure and resell electricity.

§3. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the Municipality, whereby the Municipality may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.

- B. The Municipality may act as aggregator or broker for the sale of electric supply to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.
- C. The Municipality may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA Program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The Municipality's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Municipality shall not take over any part of the electric transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

§4. Eligibility.

- A. All consumers within the Municipality, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.
- B. All consumers that are members of [\[identify eligible service classes listed, by utility, in Appendix C of the PSC CCA Order\]](#) shall be enrolled on an opt-out basis except for consumers i) that are already taking service from an ESCO, ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.

Drafting Note: The Municipality may elect to apply opt-out treatment to a more limited class of consumers, to only allow certain classes of consumers to opt in, or both.

- C. New Consumers shall be enrolled on an opt-out basis.

Drafting Note: Municipality may determine whether Eligible Consumers who move into a municipality which is participating in a CCA should be enrolled on an opt-in or opt-out basis. If a Municipality chooses to enroll these consumers on an opt-out basis, it must mail them an opt-out letter consistent with the discussion below providing an opt-out period of at least 30 days before the customer is enrolled. Pursuant to the PSC CCA Order, for those low-income customers whose energy bills are paid by a social services organization, the social services organization shall be the one to opt out on their behalf.

§5. Opt-Out Process.

- A. An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods for opting-out of the CCA Program. The letter shall explain that consumers that do not opt-out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. All consumers shall have the option to opt-out of the CCA Program at any time without penalty.

Drafting note: According to the PSC CCA Order, CCA customers must be permitted to cancel CCA service any time before the end of the third billing cycle of the new contract period without penalty or other charges. Therefore, the Municipality may authorize a fee for cancelation of service after the third billing cycle.

- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

§6. Customer Service.

Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§7. Data Protection Requirements.

- A. The Municipality may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the initial opt-out period has closed.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The Municipality must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§8. CCA Advisory Group.

- A. A CCA Advisory Group is hereby established to develop and review CCA related proposals, act as the Municipality’s agent in awarding said proposals, and forward information regarding such awards to the [legislative body] for ratification.
- B. Membership to the CCA Advisory Group shall include the [name relevant municipal staff positions i.e. Commissioner of Finance, Director of Purchasing].

§9. Administration Fee.

The Municipality may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§10. Reporting.

- A. Annual reports shall be filed with the [Legislative Body] of the Municipality by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§11. Effective Date.

This Local Law shall be effective immediately upon passage.

§12. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Public Service & Utilities

Committee Date: Tuesday, September 03, 2019

From: Marion Porterfield

Subject CR - Friendship Baptist Church's 100th Anniversary

Background Info:

Evaluation/Analysis

Recommendation



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Finance

Committee Date: Tuesday, September 03, 2019

From: Anthony Ferrari

Subject Supplemental Bond Ordinance for the Construction and Reconstruction for Improvements to the Waste Water Treatment Plant and the Construction of a New Force Main

Background Info:

Evaluation/Analysis

Recommendation

**EXTRACT OF MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF SCHENECTADY ADOPTING
A SUPPLEMENTAL BOND ORDINANCE**

At a meeting of the City Council of the City of Schenectady, New York, duly held in Schenectady, New York on the 9th day of September, 2019.

Present:

Absent:

Also Present: Gary R. McCarthy, Mayor
Anthony Ferrari, Commissioner of Finance and Administration
Carl Falotico, Corporation Counsel
Samantha Mykoo, City Clerk

_____ presented the Ordinance and it was seconded by
_____:

ORDINANCE NO. 2019-__

SUPPLEMENTAL BOND ORDINANCE, DATED SEPTEMBER 9, 2019 AUTHORIZING AN ADDITIONAL NOT TO EXCEED \$8,000,000.00 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF SCHENECTADY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT AND CONSTRUCTION OF A NEW FORCE MAIN, AT AN ESTIMATED AGGREGATE MAXIMUM COST OF \$32,000,000.00, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to a bond ordinance duly adopted on June 13, 2016 (the "Original Bond Resolution"), the City Council of the City of Schenectady (the "City") authorized the construction and reconstruction of improvements to the Waste Water Treatment Plant and the construction of a new force main (Sewer Fund) (the "Purpose"), at a maximum cost of \$24,000,000 and the issuance of not to exceed \$24,000,000 of bonds and bond anticipation notes of the City to finance the cost of the Purpose; and

WHEREAS, the City Council of the City has determined that the cost of the Purpose has increased by \$8,000,000 to a maximum aggregate cost of \$32,000,000; and

WHEREAS, the City Council of the City desires to approve the increase in the maximum cost of the Purpose and to authorize the issuance of an additional not to exceed \$8,000,000 of bonds and bond anticipation notes to finance the costs of the Purpose; and

WHEREAS, the City Council has not taken any action or adopted any local law which would require the effectiveness of this bond ordinance be subjected to a permissive or mandatory referendum;

NOW THEREFORE BE IT RESOLVED BY THIS COUNCIL AS FOLLOWS:

Section 1. There is hereby authorized to be issued serial bonds of the City in an additional aggregate principal amount of \$8,000,000 pursuant to the Local Finance Law, in order to finance the classes of objects or purposes, or specific objects or purposes, including costs of issuance, hereinafter described.

Section 2. The class of objects or purposes, or specific objects or purposes (the "Purpose"), to be financed pursuant to this bond ordinance, the estimated maximum cost of such object or purpose (including costs of issuance), the principal amount of serial bonds authorized herein for such object or purpose, and the period of probable usefulness of such object or purpose pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance Law, are as follows:

Construction and reconstruction of improvements to the Waste Water Treatment Plant and the construction of a new force main (Sewer Fund), at an estimated cost of \$32,000,000, for which \$8,000,000 principal amount of serial bonds is authorized herein and \$24,000,000 principal amount of serial bonds was authorized pursuant to the Original Bond Resolution, such class of objects or purposes having a period of probable usefulness of forty (40) years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The City Council has ascertained and hereby states that: (a) the estimated maximum cost of the class of objects or purposes or specific objects or purposes listed in Section 2 above is \$32,000,000 (including costs of issuance); (b) no money has heretofore been authorized to be applied to the payment of the costs of the objects or purposes described in Section 2 hereof other than pursuant to the Original Bond Resolution; and (c) the City Council plans to finance the costs of such object or purpose from funds raised by the issuance of obligations authorized herein and in the Original Bond Resolution and the expenditure of grants received from the State of New York.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this bond ordinance and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such

serial bonds and such bond anticipation notes, including renewals thereof, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, including renewals thereof, is hereby delegated to the Commissioner of Finance of the City, as chief fiscal officer of the City. Such power shall include the power to consolidate the obligations authorized herein with other obligations of the City and to authorize the use of substantially level or declining debt service in accordance with the provisions of Section 21 of the Local Finance Law. The Commissioner of Finance is hereby authorized to execute on behalf of the City all serial bonds, issued pursuant to this bond ordinance and all bond anticipation notes, including renewals thereof, issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes, including renewals thereof, and to attest such seal. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this Ordinance.

Section 5. This Bond Ordinance shall constitute the declaration of the City's "official intent" to reimburse expenditures with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2. Except as otherwise permitted by United States Treasury Regulation Section 1.150-2, the City will not use proceeds of the Bonds or notes to reimburse itself for prior expenditures for the Purpose unless: (1) the original expenditure was made not more than 60 days prior to the adoption of this bond ordinance, (2) the reimbursement will be made within three years after the later of the date the original expenditure was paid or the date the Purpose is placed in service or abandoned.

Section 6. This Bond Ordinance or a summary thereof, shall be published by the City Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the City. The validity of the bonds authorized by this bond ordinance and of bond anticipation notes issued in anticipation of the sale of such bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this bond ordinance 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 of the State of New York.

Section 7. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 8. The City intends to issue the obligations authorized by this bond ordinance to finance the costs of the purposes described in Section 2 hereof. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the

facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except, to the extent applicable, for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except, to the extent applicable, for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of such obligations until the date which is 60 days after the final maturity date or earlier prior redemption date thereof.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized pursuant to this ordinance (the “obligations”), the City agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule.

Section 10. The City Council hereby determines that the classes of objects or purposes, or specific objects or purposes described in Section 2 is a Type II Action pursuant to the State Environmental Quality Review Act, the implementation of which as proposed has been determined not to have a significant effect on the environment.

Section 11. In connection with the financing of the Purpose, the City is hereby authorized to participate in the Clean Water State Revolving Fund program (the “CWSRF Program”) administered by the New York State Environmental Facilities Corporation. The Comptroller of the City is hereby authorized to execute and deliver such documents as may be necessary to effect the participation of the City in such CWSRF Program.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the City in connection with the Bonds and notes herein authorized.

Section 13. This bond ordinance shall take effect immediately upon its adoption by the City Council of the City.

AYES

NAYS

ABSENT

STATE OF NEW YORK)
) SS.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the City of Schenectady, do hereby certify as follows:

1. A Regular Meeting of the City Council of the City of Schenectady, State of New York, was duly held on September 9, 2019, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the Minutes of meetings of said Council. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extract.

2. Said Minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of said Council who attended said meeting.

3. Public Notice of the time and place of said meeting was duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that the members of said Council had due notice of said meeting and that the meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of Schenectady this ____ day of September, 2019.

City Clerk

[SEAL]

LEGAL NOTICE

The supplemental bond ordinance, a summary of which is published herewith, has been adopted on the 13th day of September, 2019, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Schenectady is not authorized to expend money or if 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.

A complete copy of the supplemental bond ordinance summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk of the City of Schenectady for a period of twenty days from the date of publication of this Notice.

City Clerk

SUPPLEMENTAL BOND ORDINANCE, DATED SEPTEMBER 9, 2019 AUTHORIZING AN ADDITIONAL NOT TO EXCEED \$8,000,000.00 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF SCHENECTADY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT AND CONSTRUCTION OF A NEW FORCE MAIN, AT AN ESTIMATED AGGREGATE MAXIMUM COST OF \$32,000,000.00, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

Class of objects or purposes:	Construction and reconstruction of improvements to the Waste Water Treatment Plant and the construction of a new force main (Sewer Fund), and the payment of costs of issuance.
Maximum Estimated Cost:	\$32,000,000
Period of probable usefulness:	Forty (40) years.
Maximum amount of additional obligations to be issued:	an additional \$8,000,000, for an aggregate principal amount of \$32,000,000



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Finance

Committee Date: Tuesday, September 03, 2019

From: Anthony Ferrari

Subject Supplemental Bond Ordinance for the Construction of a New North Ferry Street Pump Station

Background Info:

Evaluation/Analysis

Recommendation

**EXTRACT OF MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF SCHENECTADY ADOPTING
A SUPPLEMENTAL BOND ORDINANCE**

At a meeting of the City Council of the City of Schenectady, New York, duly held in Schenectady, New York on the 9th day of September, 2019.

Present:

Absent:

Also Present: Gary R. McCarthy, Mayor
Anthony Ferrari, Commissioner of Finance and Administration
Carl Falotico, Corporation Counsel
Samantha Mykoo, City Clerk

_____ presented the Ordinance and it was seconded by _____:

ORDINANCE NO. 2019-__

SUPPLEMENTAL BOND ORDINANCE, DATED SEPTEMBER 9, 2019 AUTHORIZING AN ADDITIONAL NOT TO EXCEED \$8,000,000.00 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF SCHENECTADY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE CONSTRUCTION OF A NEW NORTH FERRY STREET PUMP STATION, AT AN ESTIMATED AGGREGATE MAXIMUM COST OF \$24,000,000.00, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to a bond ordinance duly adopted on August 27, 2018 (the "Original Bond Resolution"), the City Council of the City of Schenectady (the "City") authorized the construction of a new North Ferry Street Pump Station (the "Purpose"), at a maximum cost of \$16,000,000 and the issuance of not to exceed \$16,000,000 of bonds and bond anticipation notes of the City to finance the costs of the Purpose; and

WHEREAS, the City Council of the City has determined that the cost of the Purpose has increased by \$8,000,000 to a maximum cost of \$24,000,000; and

WHEREAS, the City Council of the City desires to approve the increase in the maximum cost of the Purpose and authorize the issuance of an additional not to exceed \$8,000,000 of bonds and bond anticipation notes to finance the costs of the Purpose; and

WHEREAS, the City Council has not taken any action or adopted any local law which would require the effectiveness of this bond ordinance be subjected to a permissive or mandatory referendum;

NOW THEREFORE BE IT RESOLVED BY THIS COUNCIL AS FOLLOWS:

Section 1. There is hereby authorized to be issued serial bonds of the City in an additional aggregate principal amount of \$8,000,000 pursuant to the Local Finance Law, in order to finance the classes of objects or purposes, or specific objects or purposes, including costs of issuance, hereinafter described.

Section 2. The class of objects or purposes, or specific objects or purposes (the “Purpose”), to be financed pursuant to this bond ordinance, the estimated maximum cost of such object or purpose (including costs of issuance), the principal amount of serial bonds authorized herein for such object or purpose, and the period of probable usefulness of such object or purpose pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance Law, are as follows:

Construction of a new North Ferry Street Pump Station, at an estimated cost of \$24,000,000, for which not to exceed \$8,000,000 principal amount of serial bonds is authorized herein and not to exceed \$16,000,000 principal amount of serial bonds was authorized in the Original Bond Resolution, such class of objects or purposes having a period of probable usefulness of forty (40) years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The City Council has ascertained and hereby states that: (a) the estimated maximum cost of the class of objects or purposes or specific objects or purposes listed in Section 2 above is \$24,000,000 (including costs of issuance); (b) no money has heretofore been authorized to be applied to the payment of the costs of the objects or purposes described in Section 2 hereof other than pursuant to the Original Bond Resolution; and (c) the City Council plans to finance the costs of such object or purpose from funds raised by the issuance of obligations authorized herein and in the Original Bond Resolution and the expenditure of grants received from the State of New York.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this bond ordinance and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including renewals thereof, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, including renewals thereof, is hereby delegated to the Commissioner of Finance of the City, as chief fiscal officer of the City. Such power shall include the power to consolidate the obligations authorized herein with other obligations of the City and to authorize the use of substantially level or declining debt

service in accordance with the provisions of Section 21 of the Local Finance Law. The Commissioner of Finance is hereby authorized to execute on behalf of the City all serial bonds, issued pursuant to this bond ordinance and all bond anticipation notes, including renewals thereof, issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes, including renewals thereof, and to attest such seal. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this Ordinance.

Section 5. This Bond Ordinance shall constitute the declaration of the City's "official intent" to reimburse expenditures with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2. Except as otherwise permitted by United States Treasury Regulation Section 1.150-2, the City will not use proceeds of the Bonds or notes to reimburse itself for prior expenditures for the Purpose unless: (1) the original expenditure was made not more than 60 days prior to the adoption of this bond ordinance, (2) the reimbursement will be made within three years after the later of the date the original expenditure was paid or the date the Purpose is placed in service or abandoned.

Section 6. This Bond Ordinance or a summary thereof, shall be published by the City Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the City. The validity of the bonds authorized by this bond ordinance and of bond anticipation notes issued in anticipation of the sale of such bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this bond ordinance 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 of the State of New York.

Section 7. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 8. The City intends to issue the obligations authorized by this bond ordinance to finance the costs of the purposes described in Section 2 hereof. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission

would cause the interest on such obligations to become subject to federal income taxation under the Code or subject the City to any penalties under Section 148 of the Code.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized pursuant to this ordinance (the “obligations”), the City agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule.

Section 10. The City Council hereby determines that the classes of objects or purposes, or specific objects or purposes described in Section 2 is a Type II Action pursuant to the State Environmental Quality Review Act, the implementation of which as proposed has been determined not to have a significant effect on the environment.

Section 11. In connection with the financing of the Purpose, the City is hereby authorized to participate in the Clean Water State Revolving Fund program (the “CWSRF Program”) administered by the New York State Environmental Facilities Corporation. The City is hereby further authorized to apply for any other federal or New York State grants that may be available to finance the costs of the Purpose (collectively, the “Grants”). The Comptroller of the City is hereby authorized to execute and deliver such documents as may be necessary to effect the participation of the City in such CWSRF Program and to apply for and receive any Grants.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the City in connection with the Bonds and notes herein authorized.

Section 13. This bond ordinance shall take effect immediately upon its adoption by the City Council of the City.

AYES

NAYS

ABSENT

STATE OF NEW YORK)
) SS.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the City of Schenectady, do hereby certify as follows:

1. A Regular Meeting of the City Council of the City of Schenectady, State of New York, was duly held on September 9, 2019, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the Minutes of meetings of said Council. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extract.

2. Said Minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of said Council who attended said meeting.

3. Public Notice of the time and place of said meeting was duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that the members of said Council had due notice of said meeting and that the meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of Schenectady this ____ day of September, 2019.

City Clerk

[SEAL]

LEGAL NOTICE

The supplemental bond ordinance, a summary of which is published herewith, has been adopted on the 13th day of September, 2019, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Schenectady is not authorized to expend money or if 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.

A complete copy of the supplemental bond ordinance summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk of the City of Schenectady for a period of twenty days from the date of publication of this Notice.

City Clerk

SUPPLEMENTAL BOND ORDINANCE, DATED SEPTEMBER 9, 2019 AUTHORIZING AN ADDITIONAL NOT TO EXCEED \$8,000,000.00 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF SCHENECTADY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE CONSTRUCTION OF A NEW NORTH FERRY STREET PUMP STATION, AT AN ESTIMATED AGGREGATE MAXIMUM COST OF \$24,000,000.00, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

Class of objects or purposes:	construction of a new North Ferry Street Pump Station, and the payment of costs of issuance.
Maximum Estimated Cost:	\$24,000,000
Period of probable usefulness:	Forty (40) years.
Maximum amount of additional obligations to be issued: principal amount	an additional \$8,000,000, for an aggregate maximum of \$24,000,000

City of Schenectady
SSO Program Cost Summary - August 2019

WRRF SSO Upgrades

Construction	Current	Pending	Total
General Contract - BCI Construction	\$14,243,810	\$1,750,000	\$15,993,810
Electrical Contract - Stilsing Electric	\$1,081,910	\$50,000	\$1,131,910
Mechanical Contract - Eckert Mechanical	\$186,240	\$15,000	\$201,240
Process Controls Contract - General Control Systems	\$238,703	\$12,000	\$250,703
Construction Contingency	\$0	\$72,000	\$72,000
<i>Total Construction Contracts</i>	<i>\$15,750,663</i>	<i>\$1,899,000</i>	<i>\$17,649,663</i>
Engineering			
Study/Design	\$2,338,957	\$0	\$2,338,957
Construction Administration	\$598,043	\$240,000	\$838,043
Resident Engineer	\$363,000	-\$39,000	\$324,000
<i>Total Engineering</i>	<i>\$3,300,000</i>	<i>\$201,000</i>	<i>\$3,501,000</i>
Total Construction + Engineering	\$19,050,663	\$2,100,000	\$21,150,663
Grant Funding			
EFC WIIA Grant	(\$5,000,000)	\$0	(\$5,000,000)

A

North Ferry Street Pump Station Forcemain

Construction	Current	Pending	Total
General Contract - Carver	\$9,503,050	\$0	\$9,503,050
Pipe Materials Contract - Core and Main ⁽¹⁾	\$0	\$0	\$0
<i>Total Construction Contracts</i>	<i>\$9,503,050</i>	<i>\$0</i>	<i>\$9,503,050</i>
Engineering			
Study/Design	\$520,000	\$0	\$520,000
Construction Management Services	\$0	\$760,000	\$760,000
<i>Total Engineering</i>	<i>\$520,000</i>	<i>\$760,000</i>	<i>\$1,280,000</i>
Total Construction + Engineering	\$10,023,050	\$760,000	\$10,783,050
Grant Funding			
DEC WQIP 2019	\$0	(\$5,000,000)	\$0
EFC WIIA Grant 2019	\$0	TBD	\$0

B

⁽¹⁾ Contract Assigned to Carver Construction

Ordinance No 2016-13 in the amount of \$24,000,000

Total For A and B = \$31,933,713

North Ferry Street Pump Station

Construction	Current	Pending	Total
General Contract - Jersen Construction Group	\$18,160,000	\$0	\$18,160,000
Electrical Contract - Schenectady Hardware and Electric	\$1,134,000	\$0	\$1,134,000
HVAC Contract - Collett Mechanical	\$1,219,000	\$0	\$1,219,000
Plumbing Contract - Collett Mechanical	\$215,000	\$0	\$215,000
Equipment Purchase for Emergency Generator	\$1,000,000	0	\$1,000,000
<i>Total Construction Contracts</i>	<i>\$21,728,000</i>	<i>\$0</i>	<i>\$21,728,000</i>
Engineering			
Study/Design	\$982,500	\$0	\$982,500
Construction Management Services	\$0	\$1,200,000	\$1,200,000
<i>Total Engineering Amendment</i>	<i>\$982,500</i>	<i>\$1,200,000</i>	<i>\$2,182,500</i>
Total Construction + Engineering	\$22,710,500	\$1,200,000	\$23,910,500
Grant Funding			
CDBG-DR	(\$3,000,000)	\$0	(\$3,000,000)
DEC WQIP 2018	(\$5,000,000)	\$0	(\$5,000,000)
EFC WIIA Grant 2018	(\$3,000,000)	\$0	(\$3,000,000)

C

Ordinance No. 2018-08 inn the amount of \$16,000,000

Total for C = \$23,910,500*

Total SSO Program	\$51,784,213	\$4,060,000	\$55,844,213
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* The City also has Borrowed through their Capital Plan \$2,250,000 in 2014 for North Ferry St Pump Station
And \$2,000,000 in 2018 for North Ferry St Pump Station



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Finance

Committee Date: Tuesday, September 03, 2019

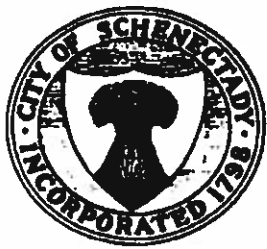
From: John Polimeni

Subject: Police Chief Sick Time Accruals and Compensation

Background Info:

Evaluation/Analysis

Recommendation



**CITY COUNCIL
SCHENECTADY, NEW YORK**

ORDINANCE NO. 2011-13

Councilmember **Mr. Della Sala** offered the following:

An ORDINANCE Amending Chapter 87 of the City Code and Proscribing Uniform Compensation and Benefits for Public Safety Managers.

BE IT ENACTED by the Council of the City of Schenectady, in regular meeting convened, as follows:

Section 1: This Ordinance shall amend Chapter 87 of the Code of City Ordinances by adding thereto Article VII, Managerial Compensation and Benefits – Public Safety Managers. The ordinance shall be effective upon its execution by the Mayor or Acting Mayor and shall be implemented retroactively by the Commissioner of Finance and Administration to all persons appointed to and holding the office of Assistant Chief of Police on January 1, 2011. This Ordinance shall, with respect to the class of persons appointed to exempt managerial public safety positions as defined in this Article, supersede and replace any inconsistent provision of the Code of the City of Schenectady concerning salary, compensation, leave and benefits.

Section 2: Chapter 87 of the Code of the City of Schenectady shall be amended by adding Article VII which shall provide as follows:

Article VII, Managerial Compensation and Benefits – Public Safety Managers.

§87-45 Salary and Compensation.

- A. This Article shall apply to the class of exempt public safety managers appointed to the position of Police Chief, Assistant Police Chief, Fire Chief and Assistant Fire Chief as authorized from time to time by the City Council and as may be appointed by the Mayor. The class shall be referred to collectively as Public Safety Managers.
- B. The City Council, by ordinance, shall establish and proscribe a uniform base salary and salary adjustment schedule for all positions within the class of Public Safety Managers with incremental salary adjustments based on length of City service. Application of the salary schedule and salary increases within that schedule shall be based on length of service with the Schenectady Police Department and shall conform to the salary schedule proscribed by the Council.
- C. The salary schedule shall be adjusted from time to time in a sum proportional to the salary adjustments granted to the highest ranking member of the collective bargaining unit representing full-time public safety officers within the managers department and in active service as a result of negotiation or compulsory arbitration. The adjustments shall be applied automatically absent legislation by the City Council.
- D. A Uniform allowance of \$450 per year shall be paid in a separate payroll check, the first check date in February and shall be considered and treated as additional compensation subject to federal, state, FICA and Medicare withholding and taxes. The uniform allowance shall not be considered salary for purposes of determining retirement benefits.
- E. Public Safety Managers shall not be entitled to receive longevity payments, holiday pay, overtime compensation or compensatory time.
- F. The City will provide life insurance coverage for each Public Safety Manager and his or her family consistent with the provisions of the collective bargaining agreement between the City and the negotiating unit or union representing City police officers.

§87-46 Health Care Benefits

- A. Each Public Safety Manager shall be provided with medical and dental insurance coverage provided by the City to full-time police officers consistent with the provisions of the respective collective bargaining agreements with the employees of the department to which the manager is appointed and shall, upon retirement, be entitled to the continuation of benefits consistent with the benefits provided by the City to union members of that department to which the manager is appointed with the same service date and length of service to the City.
- B. The City shall provide each Public Safety Manager with fully paid Short-term disability insurance, consistent with the disability benefits provided to members of the Civil Service Employees Association members employed by the City.
- C. Vision Care shall be provided to each Public Safety Manager as provided under the collective bargaining agreement between the Civil Service Employees Association and the City.

§87-47 Leave

- A. **Holidays.** Each Public Safety Manager shall have the same holiday leave extended to regular full-time employees of the City as proscribed by Chapter 87, Section 87-11.
- B. **Vacation.** Public Safety Managers shall be entitled to up to four (4) weeks of paid vacation each year. No more than two (2) weeks of vacation in any year may be carried over to the next year. Payout of accumulated unused vacation will be made upon termination for any reason but in no event shall more than two (2) weeks of carried forward vacation be eligible for payment.
- C. **Personal Leave.** Each Public Safety Manager shall be entitled to up to three (3) days of personal leave which may be used for any purpose. Personal leave will not be eligible for carry forward nor shall personal leave be eligible for payout upon termination from employment.
- D. **Sick Leave.** Public Safety Managers who, at the time of appointment, have a bank of catastrophic illness shall be entitled to maintain that existing bank of catastrophic leave, without cash value, and continue to accrue 1.5 days per month of sick leave with a maximum of 240 days to carry forward from year to year. Public Safety Managers appointed following the effective date of this ordinance who do not already have a catastrophic illness bank will receive a 240 day catastrophic illness bank and shall thereafter accrue sick leave at the rate of 1.5 days per month to a maximum of 240 days, which shall carry forward from year to year. No member of the class shall be eligible for payment of accumulated sick

leave. Catastrophic sick leave may be used by the class members, for illness of any eligible family member (according to Family Medical Leave Act standards) if out for over 5 days and with proper medical documentation.

- E. Bereavement Leave. Each Public Safety Manager shall be entitled to leave upon the death of an immediate family member of up to five (5) continuous working days with pay to arrange for or attend the funeral and burial. Immediate family includes spouse, child, parents of employee or spouse, brother, sister, grandparents, grandchildren, brother-in-law or sister-in-law.

Approved as to form this
~~25th~~ day of July, 2011


 L. JOHN VAN NORDEN, ESQ.
 CORPORAITON COUNSEL

ADOPTED ~~LAST~~ by the following vote (a majority of all members voting in the affirmative negative)

Council Member	AYE	NAY
Allen	✓	
Blanchard	✓	
Brucker	✓	
Della Sala	✓	
Erikson	✓	
King	✓	
McCarthy	✓	
TOTAL	7	0

ORDINANCE ~~RESOLUTION~~ LOCAL LAW
 ADOPTED unanimously ~~LAST~~ JUL 25 2011
 Approved by Mayor JUL 27 2011
 Vetoed by Mayor

Mark Chaires and Brian Kilcullen along with future Police Chiefs and Assistant Chiefs Hired After 09/30/2008:

- 1.) Regular salary as per Personnel Change form or budget
- 2.) Uniform allowance of \$450 per year to be paid in a separate payroll check, the first check date in February. This amount is subject to federal, state, Fica and Medicare taxes and is non-pensionable (per retirement system rules).
- 3.) No longevity payments.
- 4.) Health Insurance as if a Police Union member
- 5.) Dental Insurance as if a Police Union member
- 6.) Disability Insurance paid fully by the City
- 7.) Vision Care as provided under CSEA contract (currently fully paid by the City)
- 8.) Retirement – belongs to the New York State Police & Fire Retirement System
- 9.) Gets 12 holidays off (like CSEA contract) during the year but no separate Holiday check in December like Police Union
- 10.) Vacation – 4 weeks per year, up to 2 weeks to be carried over to the next year (use or lose the rest). Payout of accumulated unused vacation will be made upon termination for any reason.
- 11.) Personal Leave – 3 days with no carryover and no payout provision (use or lose only)
- 12.) Sick Leave – Mark can maintain his current bank of catastrophic leave (no cash value) and continue to accrue 1.5 days per month of sick leave with a maximum of 240 days to carryover from year to year. Brian will receive his 240 day catastrophic illness bank and start to accrue sick leave at the rate of 1.5 days per month to a maximum of 240 days carryover from year to year and in a payout situation. No payout for accumulated sick leave for any reason. Upon retirement only, 25% of accumulated sick leave (not catastrophic leave) will be used to pay for future Health Insurance premiums. Catastrophic illness can be used for yourself or eligible family member (according to FMLA standards) if out for over 5 days and with proper medical documentation.
- 13.) No overtime payments even at the end of service (formerly Chiefs and Asst. Chiefs could get up to 30 days of OT upon termination).
- 14.) No comp time.
- 15.) Life Insurance for self and family as per Police Union contract.
- 16.) Bereavement Leave as follows:

When a death occurs in an employee's immediate family, he/she shall be entitled, when so required, to five (5) days with pay to arrange for or attend the funeral and burial. Immediate family includes spouse, child, parents of employee or spouse, brother, sister, grandparents, grandchildren, brother-in-law or sister-in-law. If some/all of the time needs to be used at a later date for arrangements/services/interment, the proper request form must be filed with the Personnel Office and permission obtained from the Mayor.

This resolution seeks to create a sick time policy for Command Staff.

This resolution attempts to be consistent with the current bargaining agreement as it relates to limited sick time. The current benefits package for Command Staff was created for command staff who were hired with unlimited sick time, which is no longer applicable.

This resolution would be for promotion out of the bargaining unit to Command Staff. This resolution would solve the issue of promotion out of the bargaining unit and would be a recommendation for future bargaining unit contractual agreements.

If/when a member of the bargaining unit is promoted to the Command Staff rank, and that member was hired with limited sick time accruals, upon promotion, the following will apply.

- It is acknowledged that current bargaining members are entitled to a sick time buyout upon retirement should they have at least 960 hours of sick in their bank. It is acknowledged that in order to reach that 960 threshold, 48 hours per year, on average, must be saved over the course of a 20 year career.
- Should a member of the department be promoted out of the bargaining unit prior to reaching 20 years of service, then the value of their sick time shall be adjusted consistent with the current formula used for the retirement benefit. To make this calculation take the current hours accumulated at the time of promotion and divide by the number of years in service. E.g. 758 hours accumulated/14 years of service = 54 hours per year. 54 hours per year x 20 years would project to 1080 hours accumulated. As long as the projected hours exceed 960, then the promoted officer shall be entitled to the payout as per the collective bargaining unit agreement (25% of the straight time value of the bank at the last bargaining unit rank held). If the projected hours are less than 960, then the sick bank has no value upon promotion.
- The entire sick time bank is zeroed out and the command staff sick time benefit enacted.

Command Staff (Assistant Chief and Chief) Sick time Benefit

Command Staff with limited sick time can accumulate 12 hours per month but can use whatever is in their bank. Upon retirement, the following benefit will apply for command staff as it relates to sick time.

To qualify for a sick time benefit, the individual promoted must stay in Command Staff for a minimum of 5 years. (If they retire before 5 years the bank has zero value).

If the command officer reaches the 5 year mark, and they accumulate a minimum of 288 unused sick time hours, they are entitled to a sick time buyout that is consistent with the collective bargaining agreement payout, with a cap of 5 years of accumulation. To calculate the cap, the following formula will apply.

Command staff officers accumulate 1.5 sick days per month for a total of 144 hours per year. The maximum allowable bank accumulation that will be considered is 720 hours (5 x 144).

The trigger of 288 hours minimum for the benefit to apply is consistent with the collective bargaining agreement. (120 hours earned by CBA members x 20 years = 960 trigger hours/2400 hours maximum = 0.4 or 40%)

If the individual stays in employment 5 years without using sick time, he or she would have accumulated 720 hours.

$40\% \times 720 \text{ hours} = 288 \text{ hours}$ as a trigger for payout

- The payout will be capped at 5 years of value using this formula (144 hours x 5 years x command staff hourly rate @ 25%= capped payout).
- This policy is not retroactive. If an employee wants the payout they must accept it at the time of the promotion.



SCHENECTADY CITY COUNCIL

Legislative Request Form

Committee: Claims

Committee Date: Tuesday, September 03, 2019

From: Carl Falotico

Subject Kears v. City of Schenectady

Background Info:

Evaluation/Analysis

Recommendation