

RESOLUTION NO. _____
December 21, 2021

A RESOLUTION AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS TO SIGN THE EMPIRE STATE DEVELOPMENT REGIONAL COUNCIL AWARD / INCENTIVE PROPOSAL AND CITY TO PROVIDE EMPIRE STATE DEVELOPMENT PAYMENT OF A \$250.00 APPLICATION FEE

WHEREAS, on July 16, 2019, the Common Council authorized the Mayor to apply for and receive funding under the 2019 CFA Empire State Development Grant funds; and

WHEREAS, the City committed to using municipal funds to provide a local cash match of at least fifty percent (50%) of the total project cost, and

WHEREAS, the proposed project will include a total program cost of \$35,000.00 with a maximum City match of \$17,500.00; and

WHEREAS, the Mayor was authorized and directed to execute any contract and/or agreement with the Regional Council Capital Fund in connection with the Application and his designee was authorized to request and expend funds from the New York State Urban Development Corporation (d/a Empire State Development) pursuant to said contract and/or agreement; and

WHEREAS, on December 7, 2021, the City received the Empire State Development "Regional Council Award / Incentive Proposal" in the amount of \$17,500.00, to complete a strategic planning and feasibility study to examine traffic congestion, parking and transportation regulatory concerns, wayfinding and infrastructure needs in the City of Hudson; and

WHEREAS, Empire State Development requires payment of a \$250.00 Application Fee to process the Award; and

NOW THEREFORE, LET IT BE RESOLVED that the Common Council of the City of Hudson approves payment of the Application Fee and authorizes the Commissioner of the Department of Public Works to sign the Empire State Development Regional Council Award / Incentive Proposal.

Introduced: _____

Seconded: _____

Approved: _____
Kamal Johnson, Mayor

Dated: _____

RESOLUTION NO. 13 July 16, 2019

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND RECEIVE FUNDING UNDER THE 2019 CFA EMPIRE STATE DEVELOPMENT GRANT FUND

WHEREAS, the City of Hudson has caused the preparation of a Strategic Planning and Feasibility Studies Grant Application to be prepared and supports the submittal of the application to the Empire State Development Corporation; and

WHEREAS the Project shall be titled "Hudson Parking Improvement Feasibility Study" and include a grant narrative, work plan, and other supporting documents necessary for submission of the application; and

WHEREAS, the City is hereby committed to using municipal funds to provide a local cash match of at least fifty percent (50%) of the total project cost; and

WHEREAS, the proposed project will include a total program cost of \$35,000.00 with a maximum City match of \$17,500.00;

NOW THEREFORE BE IT RESOLVED by the City of Hudson Common Council that the City shall hereby apply to the Empire State Development Corporation for ESD Grant Funds for the "Hudson Parking Improvement Feasibility Study"; and


BE IT FURTHER RESOLVED, upon notice of award by Empire State Development, the Treasurer of the City of Hudson is hereby authorized and directed to establish a Capital Account in the amount of \$17,500.00 which represents the local share of the project not grant funded, such monies to be provided from the General Fund Balance; and,

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and designated as the representative and to act as such in connection with the application to provide additional information as may be required including all understandings and assurances contained in the application; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute any contract and/or agreement with the Regional Council Capital Fund in connection with the Application and his designee is further authorized to request and expend funds from the New York State Urban Development Corporation (d/b/a Empire State Development) pursuant to said contract and/or agreement; and

BE IT FURTHER RESOLVED, to the extent all or any actions hereby authorized have been executed and/or performed by the Mayor all are hereby ratified and confirmed and this Resolution take effect immediately.

Approved by Board of Estimate and Apportionment.



Mayor



Common Council President



City Treasurer

Introduced: _____

Approved: _____

Recorded: _____

By: _____



December 7, 2021

Peter Bujanow
Commissioner of Public Works
City of Hudson
520 Warren Street
Hudson, NY 12534

Dear Peter Bujanow:

On behalf of New York State and Empire State Development, please let me express my enthusiasm for working with you and the City of Hudson to complete a strategic planning and feasibility study in New York State.

As we understand the project, the City of Hudson will invest \$35,000 to examine traffic congestion, parking and transportation regulatory concerns, wayfinding and infrastructure needs in the City of Hudson (Columbia County). A final plan will include recommendations for new/improved parking policies and regulations based on analysis of existing conditions and future needs, an evaluation of potential sites, and smart growth/complete streets/age friendly community principles such as highly visible way-finding and bicycle/pedestrian friendly design.

To encourage you to proceed with this project, we are offering City of Hudson incentives valued at \$17,500.

Please review the attached Incentive Proposal to see how New York State and Empire State Development are prepared to assist the City of Hudson with its project located in the Capital Region of New York State. If you choose to accept our offer, please acknowledge your decision by endorsing the last page of the attached proposal and returning one copy to me along with the \$250 Application Fee, and one copy to Glendon McLeary, Vice President and Director of Empire State Development's Loans and Grants Department, by February 2, 2022.

Please note that by accepting our offer of public funds to support this project, it is ESD's expectation that the City of Hudson will coordinate any project-related public announcements and press events with ESD.

We look forward to working with you on this exciting project and can be reached at 518-270-1130 at your convenience.

Very truly yours,

A handwritten signature in black ink that reads "Michael Yevoli". The signature is written in a cursive, flowing style.

Michael Yevoli
Regional Director, Capital Region

cc: Glendon McLeary

Attachment: ESD Incentive Proposal

REGIONAL COUNCIL AWARD – INCENTIVE PROPOSAL

City of Hudson

December 7, 2021

This **Incentive Proposal** outlines the general terms and conditions of the incentive package being offered by Empire State Development (“ESD”)* to City of Hudson to assist with a project in Hudson, Columbia County. This offer is subject to the availability of funds, completion of any applicable (1) non-discrimination and contractor diversity, (2) environmental and historic and (3) smart growth review requirements, approval by the ESD Directors, applicable statutes, and compliance with program requirements.

* The New York State Department of Economic Development and the New York State Urban Development Corporation, d/b/a Empire State Development, are collectively referred to as ESD.

I. GENERAL INFORMATION

- a) **Recipient Name:** City of Hudson (the “Recipient”)
- b) **Contact Information:** Peter Bujanow
Commissioner of Public Works
520 Warren Street
Hudson, NY 12534
Phone: 518-828-9458
E-mail: PBUJANOW@CITYOFHUDSON.ORG
- c) **Project Location(s):** 520 Warren St
Hudson, NY 12534
- New York State Empire Zone:** N/A
- d) **Type of Business:** Municipality
- e) **Number of Full-time, Permanent Employees at all NYS Locations as of Today’s Date:** N/A
- f) **Number of Full-time, Permanent Employees at Project Location(s) as of Today’s Date:** N/A
- g) **Number of Part-time or Seasonal Employees, or Full-time Contract Employees at Project Location(s) as of Today’s Date:** N/A

II. PROJECT SPECIFICS

- a) **Project Description:** Feasibility study that will examine traffic congestion, parking and transportation regulatory concerns, wayfinding and infrastructure needs in the City of Hudson.
- b) **Estimated Schedule:** Begin: December 2021
Complete: December 2022
Estimated ESD Directors' Approval: February 2023

III. PROJECT BUDGET

You have informed us that the following costs will be incurred to complete this project. It is understood that these costs are estimates, based on the best information available to date. If these figures change, please inform your ESD contact as soon as possible.

Contract Consultant Costs:	\$35,000
Total Estimated Cost:	\$35,000

IV. ESD INCENTIVES

Urban and Community Development Program - RC9 - Strategic Planning - Working Capital Grant – Project #133,567/CFA #91734

- a) **Amount:** \$17,500
- b) **Use of Funds:** Reimbursement for a portion of contracted costs.
- c) **Requirements:** Funds will be disbursed in lump sum upon project completion, as described in Sections II and III above and as evidenced by attainment of a certificate of occupancy and/or other documentation verifying project completion as ESD may require, and documentation verifying project expenditures of approximately \$35,000.

All disbursements require compliance with program requirements and must be requested by no later than April 1, 2024. Expenditures incurred prior December 19, 2019 are not eligible project costs and cannot be reimbursed by grant funds.

The Grant is being offered in connection with the project as described in the CFA (or ESD application) and that funds will only be made available for projects that are undertaken as described in the CFA (or ESD application), except as expressly authorized by ESD.

General Requirements

- **Equity:**
The Recipient will be required to contribute a minimum of 10% of the total project cost in the form of equity contributed after December 19, 2019. Equity is defined as cash injected into the project by the Recipient or by investors and should be auditable through Recipient financial statements or Recipient accounts, if so requested by ESD. Equity cannot be borrowed money secured by the assets in the project.
- **Fees:**
The Recipient will provide a \$250 Application Fee, due when this Incentive Proposal is returned. In addition, the Recipient will reimburse ESD for any direct expenses incurred in connection with this project, including costs related to holding a public hearing, attorney fees, appraisals, surveys, title insurance, credit searches, filing fees, and other requirements deemed appropriate by ESD.
- **Non-discrimination and Contractor Diversity:**
Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business in the performance of ESD contracts. For purposes of this Contract, however, goals will not be established due to the unavailability of minority and women-owned businesses for performance of this Contract.

The Recipient is encouraged to use “Good Faith Efforts,” pursuant to 9 NYCRR §252.2(m), to utilize NYS-certified Service-Disabled-Veteran-owned Business Enterprises (“SDVOBs”) in the execution of the grant. Any utilization of SDVOBs would be in addition to goals established pursuant to Article 15-A of the Executive Law with respect to MWBEs. Should SDVOBs be utilized, a further explanation of the SDVOB reporting requirements is attached hereto.

- **Environmental, Historic and Smart Growth Review:**
Please note in particular the Environmental, Historic and Smart Growth Review requirements at the end of the attached document, which, if applicable, must be satisfied prior to ESD Directors’ approval of funding. The ESD Planning & Environmental Review office may contact your office for further information regarding status of the environmental, historic and smart growth review for your project.
- **Environmental Sustainability:**
ESD encourages the environmentally sustainable practice of recycling construction and demolition debris rather than disposition in a landfill.
- **Modification:**
ESD reserves the right to review and reconsider project and property selections in the event of material changes in the project plans or circumstances.
- **Reservations of Rights Concerning Funding Commitment:**
It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of ESD, doubt as to its viability, ESD reserves the right to cancel its funding commitment to such project.
- **Next Steps After Accepting this Incentive Proposal:**
Within approximately 30 days of your acceptance of this Incentive Proposal, your Project Manager will acknowledge receipt of the signed Incentive Proposal and will provide a guide to the ESD Approval and Disbursement Process and relevant contact information. Prior to ESD Directors’ approval, ESD will require updated project information and Declarations and Certifications. Please note that ESD Directors’ approval typically occurs at project completion.

V. SUMMARY

TOTAL – ALL INCENTIVES	\$17,500
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Expiration of Proposed Offer:

This proposal expires February 2, 2022 unless endorsed below and received by ESD prior to the expiration date.

Expiration of Accepted Offer:

The accepted proposal expires two years from the date of acceptance by the Recipient. ESD reserves the right to require Recipient to provide any additional information and/or documentation ESD deems necessary.



APPROVED BY: _____ Date: December 7, 2021

Glendon McLeary
Vice President and Director of Loans & Grants
633 Third Avenue
New York, NY 10017
Phone: (212) 803-3658

ACCEPTED BY: _____ Date: _____

City of Hudson
Peter Bujanow
Commissioner of Public Works
Hudson, NY 12534
Phone: (518) 828-9458

* Please see the following Affirmation page, which must be completed, signed and notarized for this Incentive Proposal to be considered accepted.

AFFIRMATION

STATE OF NEW YORK)
) ss.:
COUNTY OF)

The Undersigned, being duly sworn, deposes and says:

1. I, _____, am the _____ of _____ (the "Recipient"), a municipality that is duly organized and validly existing under the laws of _____, and is authorized to do business and is in good standing in the State of New York.
2. I have read and know the contents of the Incentive Proposal prepared by the New York State Urban Development Corporation d/b/a Empire State Development ("ESD") dated the ____ day of _____, 20__.
3. I have reviewed all of the information provided by the Recipient to ESD to assist in ESD's preparation of the Incentive Proposal, including information provided on Recipient's behalf by third-party consultants
4. I know all of the information provided by Recipient or its third-party consultants to be true and complete in all material respects. To the extent such information involves projections about future performance, these projections have been prepared in good faith, based upon reasonable assumptions.
5. Recipient did not make a decision to undertake the project described in the Incentive Proposal prior to December 19, 2019.
6. Recipient hereby accepts the terms of the Incentive Proposal.
7. Receipt of the Incentive Proposal was a material factor in Recipient's decision to undertake the above-referenced project.
8. Recipient agrees to allow the Department of Taxation and Finance to share Recipient tax information with Empire State Development.
9. Recipient authorizes the Commissioner of Labor to disclose, to employees of both the New York State Department of Labor, the New York State Department of Economic Development, and the Urban Development Corporation, (dba Empire State Development), all records filed by the Recipient in making Unemployment Insurance (U.I.) reports and contributions required by State Labor and Tax Law, including, but not limited to, all information contained in or relating to the quarterly combined withholding, wage reporting and U.I. returns, the registration for U.I., the New Hire file, and all records of U.I. delinquencies. In addition, this authorization shall include all information contained in any survey reports requested by the Department of Labor on behalf of the U.S. Department of Labor, Bureau of Labor Statistics including, but not limited to, the Current Employment, Occupational Employment, multiple worksite, and annual refiling surveys. The use of information and records released pursuant to this authorization shall be limited to government purposes concerning the Recipient and assistance described in this incentive proposal to monitor compliance with worker protection laws and with the conditions and requirements associated with the financial assistance being requested.
10. Recipient certifies, under penalty of perjury, that the Recipient is in substantial compliance with all environmental, worker protection, and local, state and federal tax laws.

Signature

Subscribed and sworn to before me
this ____ day of _____, 20__

Notary Public

ENVIRONMENTAL, HISTORIC AND SMART GROWTH REVIEW REQUIREMENTS

Approval of funding by ESD, a public benefit corporation of the State of New York, requires compliance with environmental, historic and smart growth review requirements under New York State regulations. The information below provides a brief guide to the review processes. If you have any questions about the required documentation or how to proceed in these areas, please contact ESD's Planning & Environmental Review Office at (212) 803-3252 or 3253. **Physical work on an ESD-funded project may not be started prior to the completion of any necessary environmental, historic and/or smart growth review.**

Environmental Review under State Environmental Quality Review Act (SEQRA)(6 NYCRR Part 617)

- Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of a site or structure require review under SEQRA. Certain listed activities are not subject to any review because they involve actions with little, if any, environmental impact, referred to as "Type II" Actions. Conversely, SEQRA also includes a list of actions that are assumed to be more apt to result in impacts, referred to as "Type I" Actions, which are subject to formal review. If a proposed action is neither listed on the Type II or Type I lists, it is referred to as an "Unlisted Action" and is also subject to review under SEQRA.
- The applicant must demonstrate compliance with SEQRA if the project does not meet the definition of a Type II Action. If SEQRA review is required for the project, the review must be completed by a lead agency such as a municipal planning or zoning board, common council, county industrial development agency, or state regulatory or funding agencies.
- Please note that if the project consists of more than one phase, a SEQRA review must be completed for all known or reasonably foreseeable phases of the project, not only the phase that is the subject of ESD funding. An environmental review of only a portion of a project constitutes improper segmentation under SEQRA and is not accepted except in special circumstances.
- Required SEQRA documentation:

If the project has already been determined to have no significant effect on the environment, the following two documents must be provided:

1. Environmental Assessment Form (EAF) –Short EAF or Full EAF, as appropriate for the project. All parts must be fully completed and approved by the lead agency that reviewed the project; and
2. Negative Declaration

(Note: If the project was approved by a lead agency on or after October 7, 2013, the new EAFs must be used and a separate Negative Declaration form is not required.)

If a Positive Declaration was made for the project, indicating that the project may have a significant adverse impact on the environment, the following documents must be provided:

1. Draft and Final Environmental Impact Statement (DEIS and FEIS) – digital copy is preferable; and
2. Lead Agency Statement of Findings

- If your SEQRA review has not yet been completed, please provide in an addendum to this application information about the status of the review and designated lead agency for the review, and submit “Part 1” of a Short EAF or Full EAF as appropriate for your project. Subsequent EAF Parts are completed by the lead agency based upon the information you include in Part 1.

For further information about SEQRA, please visit the New York State Department of Environmental Conservation’s web site at <http://www.dec.ny.gov>.

Historic Review

- Projects involving a building, structure, district, or site, including underground or underwater sites, listed on or eligible for listing on the State or National Register of Historic Places (S/NRHP) must be evaluated by the State Historic Preservation Office (SHPO) of the New York State Office of Parks, Recreation and Historic Preservation in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law.
- Buildings that are more than 50 years old and/or those that are historically, architecturally, or culturally significant, as well as project locations wholly or partially within an identified archeologically-sensitive area or a land area that typically contains archeological resources, may meet the eligibility criteria for S/NRHP listing.
- The applicant must demonstrate compliance with Section 14.09. In order to initiate the SHPO consultation process, the applicant must submit the project for review by SHPO through the Cultural Resources Information System (CRIS) found at <https://cris.parks.ny.gov/Default.aspx>. Upon completion of the SHPO consultation process, SHPO will determine whether or not the project will have an adverse impact on historical or cultural resources and will provide a letter of comment on the project.
- Required SHPO documentation:
 - Letter of No Adverse Impact determination or
 - Letter of Resolution – required if SHPO determines that the project will have an Adverse Impact on historic or cultural resources.

Smart Growth

The State Smart Growth Public Infrastructure Policy Act of 2010 requires that public infrastructure projects approved, undertaken, supported or financed by a State Infrastructure Agency, which includes ESD, to the extent practicable, are consistent with relevant Smart Growth Criteria specified in the law. Projects that involve ESD approval of funding for public infrastructure (e.g., publicly-supported roads, bridges, streetscapes, other transportation systems, drinking water, sewers, drainage systems, and utilities) will require the completion of a Smart Growth Impact Statement prior to approval of funding. (Note: Projects that only involve Excelsior Jobs Tax Credits do not require Smart Growth review.) ESD staff will advise you if a Smart Growth Impact Statement is required.

PARTICIPATION REQUIREMENTS FOR NEW YORK STATE CERTIFIED MWBES

ESD is required to comply with and implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (MWBE Regulations) for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Approval of funding by ESD, a public benefit corporation of the State of New York, is conditioned upon and subject to the following requirements:

- a) Recipient agrees to fully comply and cooperate with ESD in the implementation of New York State Executive Law Article 15-A. These requirements include contracting opportunities for *New York State certified* Minority-owned Business Enterprises (“MBEs”) and Women-owned Business Enterprises (“WBEs”), collectively MWBES.

- b) For purposes of this project, ESD hereby establishes the following MWBE participation requirements:

MBE Participation Requirement: 0%

WBE Participation Requirement: 0%

Overall MWBE Participation Requirement: 0%

- c) Recipient is required to submit a completed Non-Discrimination and Equal Employment Opportunity Policy Agreement (Form OCSD-1) prior to the first disbursement.

PARTICIPATION REQUIREMENTS FOR NEW YORK STATE CERTIFIED SDVOBS

It is the policy of ESD to comply with and implement the provisions of New York State Executive Law Article 17-B and 9 NYCRR Part 252 (SDVOB Regulations) for all State contracts, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

For purposes of this project, the Grantee is encouraged to solicit and utilize NYS certified Service Disabled Veteran-owned Businesses (“SDVOBs”) for any contractual opportunities generated in connection with the project.

- a) For purposes of providing meaningful participation by SDVOBs on the project, Recipient should reference the directory of New York State certified SDVOBs found at the following internet address: <https://online.ogs.ny.gov/SDVOB/search>

Additionally, Recipient may contact ESD’s Office of Contractor and Supplier Diversity (“OCSD”) to discuss additional methods of maximizing participation by SDVOBs on the project.

- b) If NYS-certified SDVOB firms are utilized in the grant, Recipient is to provide a Utilization Plan to report on expected utilization ([Form OCSD-4](#)).
- c) Recipient is then required to submit a periodic SDVOB Compliance and Payment Report to OCSD by the 10th day following each end of month, for construction contracts in excess of \$100,000, or quarter, for services and commodities contracts in excess of \$25,000, over the term of the project documenting the progress made toward achievement of the project goals.

Periodic compliance and payment reports may be submitted electronically through the New York State Contract System, found at <https://ny.newnycontracts.com>. The Contract System provides automated electronic alerts to the Recipient and any identified sub-contractors and allows for the electronic reporting and confirmation of the relevant data by all tiers of identified subcontractors. For additional information regarding this process, please contact OCSD. Compliance and payment reports may also be completed manually ([Form OCSD-6](#)) and submitted to the assigned OCSD Project Manager.

“Good Faith Efforts” is the standard applied to the SDVOB participation requirement in all applicable ESD incentives. As SDVOB utilization is encouraged, rather than required, for this project, Recipients are encouraged to adhere to this standard and ensure that proactive and ongoing efforts are made throughout the length of the project to include SDVOB participation in all categories where SDVOB participation potential exists. For additional details regarding Good Faith Efforts, please review section [252.2\(m\) of NYCRR 9 \(SDVOB Rules and Regulations\)](#), found at: <https://ogs.ny.gov/Veterans/>

Any questions relating to the SDVOB requirements stated herein may be directed to ESD’s Office of Contractor and Supplier Diversity at OCSD@esd.ny.gov or to the assigned OCSD Project Manager.

All communications to OCSD must clearly identify the ESD project number and provide pertinent details.