

This meeting is being held in accordance to Governor Cuomo's Executive Order and other Federal and State Orders that impact in-person attendance at public meetings, if applicable orders expire or are revoked before September 16, 2020, this will be an in-person meeting in City Hall, please check our website and Facebook for updates. Please submit your public comment via email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx> by **Wednesday, September 16, 2020 12pm**. These comments will be shared with members and/ or read for the record at the meeting. The meeting will be held using Zoom and streamed through the Albany Common Council's Facebook. To stream this video please visit: <https://www.facebook.com/albany.commoncouncil>. If we experience any technical difficulties on Facebook, the video will be streamed to YouTube: [https://www.youtube.com/channel/UC-rQHp1fBLPcdk\\_4N6J4XbQ](https://www.youtube.com/channel/UC-rQHp1fBLPcdk_4N6J4XbQ)



**COMMON COUNCIL MEETING  
FINANCE, ASSESSMENT AND TAXATION COMMITTEE  
Ginnie Farrell, Chair**

**DATE: Wednesday, September 16, 2020**

**TIME: 6:15 p.m. (Immediately Following Caucus)**

**TOPIC(S) OF DISCUSSION/CONSIDERATION:**

**RESOLUTION NUMBER 77.91.20R**

**RESOLUTION OF THE COMMON COUNCIL REQUESTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO PERFORM A HIGHWAY OR BRIDGE BETTERMENT PROJECT PURSUANT TO HIGHWAY LAW § 10(27) AND APPROPRIATING FUNDS THEREFORE**

**PUBLIC COMMENT PERIOD: YES**

**Councilmember \_\_\_\_\_ introduced the following:**

**RESOLUTION NUMBER 77.91.20R**

**RESOLUTION OF THE COMMON COUNCIL REQUESTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO PERFORM A HIGHWAY OR BRIDGE BETTERMENT PROJECT PURSUANT TO HIGHWAY LAW § 10(27) AND APPROPRIATING FUNDS THEREFORE**

**WHEREAS**, pursuant to Highway Law § 10(27) the Commissioner of Transportation may (the "Commissioner"), upon the request of a municipality, perform for and at the expense of such municipality, any work of construction or reconstruction, including the removal and relocation of facilities, provided the Commissioner deems it practicable to perform such work for such municipality in connection the performance of any work of construction, reconstruction or improvement under the Highway Law; and

**WHEREAS**, the City of Albany is a municipality within the meaning of such section of the Highway Law ("Municipality"); and

**WHEREAS**, pursuant to Highway Law § 10(27) the Municipality, in connection with PIN 1051.82, The Albany Skyway Project, wishes the New York State Department of Transportation ("NYSDOT") to perform certain work described in SCHEDULE A (that describes the "Betterment") annexed to this resolution; and

**WHEREAS**, there is a substantial public interest in and benefit to the performance of the Betterment, which will be part of the State or municipal highway system and will be available for use by the general public; and

**WHEREAS**, NYSDOT has estimated the cost of the Betterment; and

**WHEREAS**, in connection with the Betterment Agreement and no later than NYSDOT's award of contracts inclusive of the work contemplated by such agreement, the Municipality shall deposit in escrow with the State Comptroller, subject to the draft or requisition of the Commissioner, the amount of the such cost estimate, to be expended by the State Comptroller on the costs of the Betterment so requested and approved or the return of the excess amount thereof, if any, to the Municipality; and

**WHEREAS**, upon completion and payment of the costs of the Betterment the Commissioner shall determine the costs thereof to be borne by the Municipality, and any excess of the deposit shall be paid to the Municipality on the warrant of the State Comptroller on vouchers approved by the Commissioner; and, in the event such costs exceed the amount of the deposit, the Municipality shall within 90 days of the receipt of notice from the Commissioner pay the amount of such deficiency to the State Comptroller; and

**NOW, THEREFORE**, the City of Albany Common Council, duly convened does hereby

**RESOLVE**, that the City of Albany Common Council hereby approves the above-subject Betterment; and be it

**FURTHER RESOLVED**, the sum of \$1,500,000.00 is hereby appropriated in the amount of \$1,250,000.00 from the bond account established by Common Council Ordinance 26.101.19 and in the amount of \$250,000.00 from a grant from the New York State Department of Parks, Recreation, and Historic Preservation, for deposit with the State Comptroller pursuant to a Betterment Agreement with NYSDOT and expenditure on the draft or requisition of NYSDOT for betterment project costs in accordance with Highway Law § 10(27) and such Betterment Agreement; and be it

**FURTHER RESOLVED**, that the Mayor be and is hereby authorized to execute all necessary agreements or other instruments on behalf of the City of Albany in connection with the advancement or funding of the Betterment; and be it

**FURTHER RESOLVED**, that a certified copy of this resolution be filed with the State Comptroller and New York State Commissioner of Transportation by attaching it to the Betterment Agreement with NYSDOT, it being understood that upon completion of the Betterment by NYSDOT, NYSDOT shall transmit to this body a statement showing the actual costs and expenses of the Betterment and shall notify the fiscal officer of the amount due from or to be returned to the Municipality, as the case may be, and that any sum due to NYSDOT shall be paid by the Municipality within ninety (90) days after the date of transmittal of such statement, and the funds therefore shall be raised according to law and the terms of the Betterment Agreement, as applicable.

**To:** Danielle Gillespie, City Clerk  
**From:** Brett Williams, Esq., Sr. Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** August 19, 2020

**RESOLUTION NUMBER 77.91.20R**

**TITLE**

RESOLUTION OF THE COMMON COUNCIL REQUESTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO PERFORM A HIGHWAY OR BRIDGE BETTERMENT PROJECT PURSUANT TO HIGHWAY LAW § 10(27) AND APPROPRIATING FUNDS THEREFORE

**GENERAL PURPOSE OF THE LEGISLATION**

The City seeks to enter into a “Betterment Project Agreement” with the State Department of Transportation in connection with the City’s Albany Skyway Project (P.I.N. 1051.82). The Agreement will enable NYSDOT to perform certain construction and/or reconstruction work in furtherance of the Skyway Project on the City’s behalf and at the City’s expense.

Under the terms of the Agreement, which has been provided herewith, the Common Council must approve the City’s entry into the agreement by resolution.

\$1.25 million of the appropriations associated with this agreement will come from a bond account set up by Ordinance 26.101.19 and the remaining \$250,000 will come from a New York State Office of Parks, Recreation, and Historic Preservation grant.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

This resolution, which will be included with the Agreement and Schedule A thereto, approves the City’s entry into the Betterment Project Agreement, appropriates the funds accordingly, authorizes the Mayor to enter into and execute the Agreement on the City’s behalf, and resolves that a certified copy of this Resolution shall be provided to the State Comptroller and the Commissioner of NYSDOT as an attachment to the Betterment Agreement.

The language of this Resolution was promulgated by NYSDOT and they have directed us to “not change the wording in any way.”

This legislation causes no changes to existing law.

**FISCAL IMPACT(S)**

None, as the appropriate amounts will come from an already-established bond account and from a grant.