TROY CITY
FINANCE COMMITTEE AGENDA
REGULAR MEETING
August 22, 2013
6:00 P.M.

TROY CITY COUNCIL AGENDA
REGULAR MEETING
September 5, 2013
7:00 P.M.

Pledge of Allegiance
Roll Call
Good News Agenda
Vacancy List

Pursuant to Section 2.72-2 entitled "Public Forum" of the Special Rules of Order of the Troy City Council a period of time shall be designated during each regular or special meeting of the City Council as a public forum during which citizens of the City shall be permitted to address the Council on legislation on that meeting's agenda and on any subject appropriate to the conduct of Troy City government. Length of time allotted for citizen comment shall be no longer than ten (10) minutes per speaker.

LOCAL LAW

ORDINANCES

62. Ordinance Amending the Code of the City of Troy, Chapter 124 Animals by Creating a New Article 3 Entitled Pet Daycare Regulations. (Council President Kopka) (At the Request of the Administration)

RESOLUTIONS

44. Resolution Supporting Senate Bill No. 122/ Assembly Bill No. 3757 Elevating an Intentional Assault upon a School Crossing Guard to a Class D Felony of Assault in the Second Degree. (Council President Kopka) (At the Request of the Administration)

45. Resolution Authorizing the Issuance of $1,500,000 Serial Bonds to Finance the cost of a Sprinkler System at the Frear Park Municipal Golf Course. (Council President Kopka) (At the Request of the Administration)

46. Resolution Determining Significance of Environmental Impacts Pursuant to the New York State Environmental Quality Review Act – Frear Park Municipal Golf Course Sprinkler System (Council President Kopka) (At the Request of the Administration)

47. Resolution authorizing the Mayor to execute a contract with Duininck Golf to provide for the Frear Park Municipal Golf Course irrigation improvement project(Council President Kopka) (at the request of the Administration)

ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 124 ANIMALS, BY CREATING A NEW ARTICLE 3 ENTITLED PET DAYCARE REGULATIONS

Section 1. Chapter 124 of the City Code of Ordinance entitled "Animals" is Amended to create a new Article 3 Entitled Pet Daycare Regulations

ARTICLE 3 PET DAYCARE REGULATION

124-24 *Purpose and intent of chapter.*

A. This title is enacted as an exercise of powers of the City of Troy to protect and preserve the public peace, health, safety and welfare. Its provisions shall be construed for the accomplishment of these purposes: protecting human health and safety and promoting the health, safety and well-being of animals cared for in pet daycare facilities.

B. It is the specific intent of this chapter to place the obligation of complying with its requirements upon owners and operators of pet daycare facilities and other persons designated by this chapter within its scope.

C. Nothing contained in this title is intended to be or shall be construed to create or form the basis for any liability on the part of the City of Troy, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this title to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of the City of Troy by its officers, employees or agents.

124-25Relationship of chapter to other laws, rules and regulations.

Nothing in this chapter shall affect the obligation of any owner or operator of any pet daycare facility to comply with other applicable laws, rules and regulations, including, but not limited to, those governing animal care and control, building, zoning or environmental standards.

124-26 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

A. "Establishment" or "facility" means those portions of any building, yard, pen or other area at a single location in which any animals are kept or transported for the purpose of day care.

B. "Owner" or "operator" means a person either owning or otherwise responsible for the operation of a pet daycare facility and, as applicable, the care and welfare of the animals present.

C. "Pet" means any companion animal commonly kept in or around the home by a private individual for pleasure or companionship.

D. "Pet" does not include poultry.

E. "Pet daycare facility" means any commercial facility where four or more dogs or other pet animals are left by their owners for periods of supervised social interaction in play groups with other animals of the same species for the majority of the time the pets are at the facility during the hours the facility is open.

F. "Water resistant" means that which repels water. The materials and substances considered

to be water resistant materials shall be approved by the Bureau of Code Enforcement on a case by case basis after finding that the material is water resistant.

G. “Vector” means an organism capable of transmitting a pathogen, and includes insects and rodents.

H. “Zoonotic disease” or “zoonosis” means a disease or infection communicable from vertebrate animals to humans, including any such disease transmitted by intermediate insect vectors such as mosquitoes, fleas, or ticks.

124-27 Overnight boarding and grooming services.
Overnight boarding and grooming services are not permitted at pet daycare facilities.

124-28Pet daycare facility infection control plan requirements.
A. The owner or operator of a pet daycare facility shall develop and maintain a written basic infection control plan, subject to review and approval by the Bureau of Code Enforcement, specifying: the schedule for cleaning and disinfection of cages, surfaces and equipment; proper methods for handling and disposal of soiled animal bedding, litter and wastes; disinfectants to be used; and personal protective measures, including, but not limited to, gloves and handwashing, to be used by employees. The owner or operator shall ensure the plan identifies a licensed veterinarian or veterinary practice that is routinely consulted or available for consultation on animal health, disease prevention, immunization and parasite control and includes contact information for the Bureau of Code Enforcement's duly authorized representatives.

B. The pet daycare facility owner or operator shall maintain the basic infection control plan on the premises and make the plan available to the Bureau of Code Enforcement for examination upon request.

124-29Rabies vaccination requirement for dogs, cats or ferrets.
The pet day care facility owner or operator shall ensure that any dog, cat or ferret age four months or older is vaccinated against rabies as required under NY Laws Ch. 69 of Consolidated Laws, Article 7 Section 109.

124-30 Facility standards
The owner or operator of any pet daycare facility shall:
A. Have no more than 20 dogs on the premises at any one time.
B. Have, at a minimum, one employee per 20 dogs.
C. Comply with Occupational Safety & Health Administration (OSHA) guidelines and regulations and have emergency training and plans.
D. Provide not less than 75 square feet per dog in the indoor play area.
E. Have a flea prevention plan.
F. Have a minimum of one staff on duty at a time that is trained in animal First Aid and CPR.
G. Submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures shall be followed for the life of the business and shall prevent animal behavior that impacts surrounding uses, including excessive barking.
H. Show proof of proper and adequate industry appropriate property and liability insurance.

124-31 Indoor facility construction and equipment standards for pet daycare facilities.
The owner or operator of any pet daycare facility shall, in the indoor areas of the facility:

A. Ensure that buildings are of adequate structure, maintained in good repair and secured in order to protect animals from injury or escape and restrict the entry of animals from outside;

B. Provide sufficient heating and cooling of indoor areas to maintain the ambient temperature not less than fifty degrees Fahrenheit and not greater than eighty degrees Fahrenheit, except that the owner or operator shall maintain indoor temperatures consistent with the needs of the pet animals at the facility, and shall protect the animals from temperatures which may be deleterious to the animals' health;

C. Provide lighting, whether natural or artificial or a combination of both, sufficient for inspection of the animals, routine cleaning and proper animal care;

D. Provide sufficient ventilation to ensure the health and comfort of the animals and to minimize odors and moisture condensation. Fresh air may be provided by means of windows, doors, vents, fans or turbine ventilators, or by heating and cooling systems;

E.1. Construct all floors and walls of readily cleanable and water impervious material in indoor rooms, play areas, runs, pens, crates and cages used to retain animals and maintain all such rooms, play areas, runs, pens crates and cages in good repair;

2. Ensure that floors are designed to rapidly eliminate excess water, and that seams in flooring are designed and installed to prevent accumulation of liquids, moisture or debris; and

3. Construct interior walls so that the interface with floor surfaces is sealed from the flow or accumulation of liquids, moisture or debris;

F. Maintain hot and cold running water conveniently available at all times, and provide a sink or tub of sufficient size for washing of equipment and utensils used in the facility, including washing and sanitizing of toys, litter pans, dishes, bowls and other food and water containers and utensils used for feeding of animals;

G. Provide toilet and handwashing facilities with hot and cold running water;

H. Ensure that food and water containers and utensils used for mixing of food and feeding of animals are constructed of metal or other water impervious material that is readily cleanable and kept in good condition;

I. Provide and maintain refrigeration at forty-one degrees Fahrenheit or lower for the protection of foods requiring refrigeration;

J. Store and prepare separately from pet food and pet medications any medications, food and beverages intended for human consumption;

K. Store cleaning products and disinfectants securely in areas inaccessible to animals kept at the facility;

L. Provide an adequately ventilated isolation area physically separated from the rest of the animals for segregation of pets that become sick, are injured or are suspected of having a contagious disease;

M. Ensure that any common animal play areas are of sufficient size to allow for maintenance of sanitary conditions and to avoid overcrowding of animals;

N. Ensure that any furnishings such as rugs, couches, mattresses or chairs contained within a common play area are made of materials that can readily be laundered with hot water and detergent or otherwise readily cleaned and sanitized, and that the furnishings are maintained in a sanitary condition;

O. Provide and maintain cages, crates, pens or individual runs where animals can periodically rest or sleep; and

P. Dispose of excreta, soiled litter, bedding, waste water and other materials by sanitary means.

124-32 Outdoor facilities for pet daycare facilities.
The owner or operator of any pet daycare facility shall, in outdoor areas of the facility:

A. Provide adequate walls or fences and keep them secured and maintained in good repair to protect pet animals from injury or escape and restrict the entry of animals from outside;

B. Provide areas of shelter from excessive sunlight, rain, snow, wind or other elements unless animals are provided indoor facilities to protect them from adverse climate conditions;

C. Provide adequate drainage in outdoor areas to prevent standing water or accumulation of liquids, mud, debris, excreta or other materials. Surfaces may be made of concrete, asphalt or similar materials designed to facilitate cleaning and removal of animal wastes and debris. Natural lawn or turf may be used if well maintained with regular watering, mowing and repair, and kept free of mud or bare dirt. Alternatively, surfaces may be covered with a sufficient layer of a disposable material such as gravel or sand that can be removed when contaminated by animal excreta and periodically changed to maintain sanitary conditions; and

D. Dispose of excreta, soiled litter, bedding, waste water and other materials by sanitary means.

124-33 Primary animal enclosures for pet daycare facilities.
The owner or operator of any pet daycare facility shall in the primary animal enclosures including cages, pens, runs, and habitats:

A. Provide and maintain primary enclosures of sufficient size to allow each pet animal to turn around, exercise normal postural movements, experience or avoid socialization with cage mates and avoid overcrowding;

B. Maintain primary animal enclosures in good condition and repair to protect animals from injury, to contain them, to prevent entry of predators and to allow animals to stay clean and dry;

C. Ensure that primary animal enclosures are constructed of materials that are water resistant and can be readily cleaned and disinfected;

D. Maintain primary animal enclosures in a clean and sanitary condition.

124-34 Sanitation standards for pet daycare facilities.
The owner or operator of a pet daycare facility shall:

A. Maintain all areas where equipment, supplies and food for animals are stored in a clean and sanitary condition and free from insects and rodents;

B. Maintain all indoor and outdoor play areas, cages, pens, runs, crates, furnishings, bedding and other animal housing in a clean and sanitary condition and disinfected on a routine basis; and

C. Ensure that sanitation is accomplished through cleaning of surfaces and equipment to remove gross contamination, dirt and debris followed by the application of a safe and effective disinfectant product.

124-35 Animal health, care and disease prevention standards for pet daycare facilities.
A pet daycare facility owner or operator shall, for animal health, care and disease prevention:

A. Provide proper food and potable water to the animals, according to the needs of the species;

B.1. Immediately separate sick or significantly injured animals and those suspected of having a contagious disease from those appearing healthy and normal;

2. Keep animals suspected of having a contagious disease in a designated separation area in order to avoid exposure to other animals or people; and

3. Ensure that only designated staff trained in infection control procedures as set forth in the basic infection control plan required under this chapter attend to animals held in the designated separation area, and that sick and injured animals and those suspected of having a contagious disease are released to their owners or receive veterinary care as soon as possible after the illness or injury is discovered;

C. Before admission of a dog four months of age or older, obtain a copy of a valid rabies certificate or other verification from a licensed veterinarian, or written acknowledgment from the pet owner, that the animal is currently immunized against rabies in accordance with NY Laws Ch. 69 of Consolidated Laws, Article 7 Section 109.

D. At all times that animals are allowed to commingle for the purposes of play or exercise, ensure that there is direct supervision by a sufficient number of trained employees responsible for the management of the playgroup. For the purpose of this subsection D, the viewing of animals by video camera does not qualify as direct supervision of pets in commingled groups. Direct supervision includes:

1. Maintaining a person in charge present at all times that any pet animal is present at the establishment;

2. Maintaining the presence of a sufficient number of employees equipped to immediately remove animal feces, urine or other bodily fluids followed by cleaning and disinfection of any soiled area; and

3. Limiting the number of animals that may be maintained in a common play area in order to prevent overcrowding and reduce the risk of zoonotic disease transmittal.

E. Not offer overnight boarding, pet adoption services, pet grooming services or sales of pets.

124-36 Recordkeeping requirements for pet daycare facilities.
A. The owner or operator of a pet daycare facility shall maintain written records as applicable and as described in this section. The owner or operator shall include the following information in the written records:

1. Dates of attendance;

2. Owners address and telephone number;

3. Type of animal, including breed;

4. Animal's name;

5. Date or dates of rabies vaccinations or owner's written acknowledgment of current rabies vaccination;

6. Dates of any bite inflicted by the animal to another animal or human, or animal bite received by the animal at the facility; and

7. Any illness or injury requiring the animal to be placed into the isolation area or removed from the premises for veterinary care.

B. The owner or operator of any pet daycare facility shall maintain at the establishment all written records required by this section for not less than two (2) years after the date of release of the animal from the establishment, and make all such records available to the Bureau of Code Enforcement for examination upon request.

124-37 Emergency occurrence - ceasing operations and reporting.
The pet daycare facility owner or operator shall immediately discontinue operations and notify the Bureau of Code Enforcement upon receiving notice of an emergency at the facility such as fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent zoonotic disease outbreak, gross insanitary occurrence or condition or other circumstance that may endanger public health, except that the pet daycare facility owner or operator is not required to discontinue operations in an area of an establishment that is unaffected by the emergency.

124-38 Application Process.
A. Per section 285-16 of the Troy City Code, the pet daycare facility owner or operator shall apply for a pet daycare facility permit and certificate of occupancy with the Bureau of Code Enforcement.

B. The plans for the pet daycare facility shall go before the Zoning Board of Appeals and the Planning Commission.

C. The pet daycare facility owner or operator shall include the following information in the plans and specifications:

1. Types of animals kept or served at the facility, including types and quantities of foods stored and provided for the animals;

2. Proposed hours of operation.

3. Proposed number of animals and the ratio of staff to animals.

4. Proposed indoor and outdoor facility layout, including mechanical equipment, heating, lighting, plumbing, provisions for isolation room or area and construction schedule;

5. Description of and types of material used for walls, floors, fencing, kennels, runs, animal enclosures and sinks, and dimensions of any animal enclosures;

6. Description of types of waste disposal, sewage disposal and indoor and outdoor animal waste disposal; and

7. Other information the Bureau of Code Enforcement may require for review of the proposed construction, conversion or remodeling ensuring compliance with this chapter.

124-39 Plan review application process.
A pet daycare facility permit applicant or permit holder shall submit to the Bureau of Code Enforcement a plan review application, including completed plans and specifications, before a pet daycare facility is constructed or an existing structure is converted for use as a pet daycare facility. If an existing pet daycare facility is being remodeled, the owner or operator shall notify the Bureau of Code Enforcement of the proposed remodel and shall submit to the Bureau of Code Enforcement a completed plan review application if the Bureau of Code Enforcement determines that review of plans and specifications is necessary to ensure compliance with this chapter.

124-40 *Inspection, Certificate of Occupancy and Permit.*
A. It is unlawful to maintain or operate a pet daycare facility without a Certificate of Occupancy and a valid pet daycare facility permit issued by the Bureau of Code Enforcement. Each permit is valid only for the location or establishment and owner for which it is issued. A separate permit shall be obtained for each separate pet daycare facility establishment or location.

B. It is the obligation of the pet daycare facility owner or operator to schedule the annual inspection with Bureau of Code Enforcement.

C. The inspection fee is $25.

D. After presenting identification credentials, the Bureau of Code Enforcement is authorized to enter and conduct inspections of any pet daycare facility during normal business hours, hours of operation and other reasonable times to determine compliance with and enforce this chapter, including the conditions of a permit or variance. The facility owner or operator shall allow the Bureau of Code Enforcement to enter and inspect the establishment, and the establishment's records required to be maintained under this chapter, to determine compliance with and enforce this chapter, including the conditions of a permit or variance. The Bureau of Code Enforcement is also authorized to enter any pet daycare facility for the purpose of providing information and education to facility personnel, including written materials and consultation on good sanitation practices and methods to prevent the spread of zoonotic disease.

E. Each pet daycare facility operating permit is an annual permit and shall expire on the date established by the Bureau of Code Enforcement.

F. The Bureau of Code Enforcement shall document on an inspection form:

1. Administrative information about the pet daycare facility name, location, name of owner or operator, inspection date and permit status;

2. The Bureau of Code Enforcement's inspection findings, including factual observations of violations, nonconformance with this chapter or other substandard conditions that require correction by the permit holder;

3. Failure of any owner, operator or employee of the pet daycare facility to allow the Bureau of Code Enforcement access to the premises, or to the facility's records, for purposes of determining compliance with and enforcing this chapter;

4. Notification of any violations requiring correction, including the time frame for completing the corrections;

5. Notification that an opportunity for an office conference to review the inspection findings will be provided if a written appeal of the inspection report is submitted within ten days following the date of the inspection; and

6. Other information the Bureau of Code Enforcement deems necessary to include on the inspection report.

G. At the conclusion of the inspection, the Bureau of Code Enforcement shall furnish the owner or operator of the pet daycare facility a duplicate of the completed inspection report.

H. When the pet daycare facility has passed the inspection, a certificate shall be issued. Certificates are the property of the Bureau of Code Enforcement. The pet daycare facility owner or operator shall display each certificate issued under this chapter conspicuously in the establishment for which it is issued unless the permit is expired or is suspended or revoked. The owner or operator shall remove from display any expired, suspended or revoked certificate.

124-41 Enforcement and rulemaking authority.
The Bureau of Code Enforcement is authorized to enforce this chapter and to adopt rules consistent with this chapter for the purpose of carrying out and enforcing its provisions. The Bureau of Code Enforcement is also authorized to request the assistance of the appropriate animal control or law enforcement authority in carrying out and enforcing this chapter, and to report animal abuse, cruelty or neglect to the animal control or law enforcement authority.

124-42 Penalties
A. It is unlawful for any owner, operator or employee of a pet daycare facility to fail to comply with this chapter or any order of the Bureau of Code Enforcement issued to carry out or enforce this chapter.

B. The penalty for noncompliance with this chapter is the revocation of the certificate of occupancy.

Section 2. This ordinance shall take effect immediately.

Approved as to form August 15, 2013

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Ian H. Silverman, Esq., Corporation Counsel

Memorandum of Support

Title: Ordinance Amending the Code of the City of Troy, Chapter 124, Animals, by Creating a New Article 3 Entitled "Pet Daycare Regulations."

Law amended: Chapter 124 of the City Code

Background: Dog daycare providers are designed to meet a dog's needs for attention, activity and supervision. They provide a great antidote for bored, lonely or high-energy dogs with busy guardians who work away from home all day and don't want to leave their dogs alone.

Daycare for dogs works similarly to daycare for children. An owner drops off the dog in the morning, and he/she gets to play, socialize, snack and nap. The dog is picked up at the end of the workday. Instead of having loads of pent-up energy, the dog is pleasantly tired and ready to relax all evening.

Most daycares offer half-day or full-day options and everything from daily and weekly to occasional care. Dog daycare is offered at facilities that are specifically designed as daycares as well as at traditional boarding kennels. Most are open 12 hours a day (from 7 am to 7 pm), Monday through Friday.

The ASPCA recommends that the daycare be compliant with Occupation Safety & Health Administration (OSHA) guidelines and regulations, and it should have emergency training and plans. (OSHA is the government agency that oversees safety & health legislation in the workplace.)

The daycare's play area should ideally provide 75 to 100 square feet per dog. For example, if there are 20 dogs, the play area should be about 2,000 square feet.

The daycare should be clean, sanitary and organized. It should be cleaned daily. There shouldn't be any lingering odors, and dog waste should be removed immediately. It should be free of debris and clutter. Ventilation is a critical disease prevention measure.

As dog daycare gains in popularity, regulation and oversight by municipalities is necessary to insure that the facility - indoor and outdoor – is clean, safe and appropriately sited.

An additional goal of this legislation is to insure that the daycare facility is a "good neighbor"; that it takes all possible steps to eliminate and prevent any adverse impact (noise, odor, traffic congestion, etc.) from its immediate neighborhood.

Summary of Provisions: This legislation establishes the pet daycare facility permit and certificate of occupancy; provides minimum standards for the pet daycare facility in order to safeguard the health and safety of the pets entrusted to its care; provides annual inspection by the Bureau of Code Enforcement; and, provides approval by the Zoning Board of Appeals and site plan approval by the Planning Commission to be sure that siting is appropriate.

Comment and input was solicited from the Mohawk Hudson Humane Society, the Rensselaer County Humane Society, Rensselaer County Department of Health, Troy Kennel Club, Happy Paws, Red Griffin (attorney for Lilac Lane dog daycare), and City of Troy Bureau of Code Enforcement.

RESOLUTION SUPPORTING SENATE BILL NO. 122 / ASSEMBLY BILL NO. 3757 ELEVATING AN INTENTIONAL ASSAULT UPON A SCHOOL CROSSING GUARD TO A CLASS D FELONY OF ASSAULT IN THE SECOND DEGREE

WHEREAS, school crossing guards are charged with the responsibility of ensuring the safety of our school children in the City of Troy and across the State of New York; and

WHEREAS, their duties often times subject them to verbal and physical threats and sometimes violence from both pedestrians and vehicles, which are oftentimes not reported; and

WHEREAS, such acts against crossing guards also endanger the very children they are protecting; and

WHEREAS, Senate Bill No. 122 and Assembly Bill No. 3757 proposes to elevate the intentional assault upon a school crossing guard to a Class D felony of assault in the second degree.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy supports Senate Bill No. 122 and Assembly Bill No. 3757 elevating the intentional assault upon a school crossing guard to a Class D felony of assault in the second degree.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Majority Leader Dean Skelos, Senator Neil Breslin, Speaker Sheldon Silver and Assembly Member John McDonald.

Approved as to form, August 2, 2013

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Ian H. Silverman, Corporation Counsel

MEMORANDUM IN SUPPORT

Title: Resolution of the City Council Supporting Senate Bill No. 122 / Assembly Bill NO. 3757 elevating an intentional assault upon a school crossing guard to a Class D Felony of Assault in the Second Degree.

Summary of Provisions: This resolution supports pending bills in the State Legislature that would elevate an intentional assault upon a school crossing guard to a Class D Felony of Assault in the Second Degree.

Purpose: To increase the criminal penalties for assaulting a school crossing guard while on duty.

Council Committee: Finance

RESOLUTION AUTHORIZING THE ISSUANCE OF $1,500,000 SERIAL BONDS TO FINANCE THE COST OF A SPRINKLER SYSTEM AT THE FREAR PARK MUNICIPAL GOLF COURSE

BE IT RESOLVED by the City Council of the City of Troy, New York as follows:

Section 1. The City of Troy, New York (the "City") is hereby authorized to undertake the reconstruction of the Frear Park golf course, including installation of a water sprinkler systems and appurtenances thereto at a maximum cost of $1,500,000.

Section 2. The plan for financing such estimated maximum cost shall be by the issuance of $1,500,000 in serial bonds (the "Bonds") of the City, which are hereby authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years pursuant to paragraph 54 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the City's General Fund. It is intended that the City shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no moneys are reasonably expected to be, received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the City's Comptroller, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the City Council for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a). such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(b). the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c). such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the City for such purpose, together with a notice of the Clerk of the City in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Section 14. The Council hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. No Bonds, or bond anticipation notes to be issued in anticipation of the Bonds, shall be issued until the Supervisory Board created by Chapter 721 of the Laws of 1994, as amended (the "Act") shall have first reviewed and commented on the issuance of the Bonds and any bond anticipation notes to be issued in anticipation of the Bonds in accordance with the requirements of the Act.

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

Approved as to form, August 8, 2013.

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Ian H. Silverman, Esq., Corporation Counsel

RESOLUTION DETERMINING SIGNIFICANCE OF ENVIRONMENTAL IMPACTS PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT - FREAR PARK MUNICIPAL GOLF COURSE SPRINKLER SYSTEM

WHEREAS, the City of Troy (the "City") desires to install a new automated sprinkler system at the Frear Park Municipal Golf Course which will replace an outdated irrigation system (the "Project"); and

WHEREAS, the Project is described in the Short Environmental Assessment Form ("EAF") that was reviewed and discussed at the September 5, 2013 meeting of the City Council; and

WHEREAS, the City desires to complete an environmental impact review of the Project pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation ("NYSDEC"), being 6 NYCRR Part 617, as amended (the "Regulations"); and

WHEREAS, the City Council is the only "involved agency" for the Project, as this quoted term is defined in the Regulations; and

WHEREAS, the City Council has considered the potential environmental effects of the Project using the criteria specified in Section 617.7 of the Regulations;

WHEREAS, pursuant to the Regulations, the City Council has examined the EAF and such other information as has been deemed appropriate in order to make a determination as to whether there will be any potentially significant adverse environmental impacts that arise from the Project; and

WHEREAS, the Project constitutes an "Unlisted Action," as this quoted term is defined in the Regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF TROY AS FOLLOWS:

1. Based upon (a) the City's examination of the EAF, (b) the City's knowledge of the area surrounding the Project, and (c) such further consideration of the Project and its respective environmental effects as the City Council has deemed appropriate, the City Council makes the following findings and determinations with respect to the Project:

(i). The Project is described in the EAF; and
(ii). The Project constitutes an Unlisted Action; and
(iii). The City Council is the only involved agency for the Project; and
(iv). The City Council has identified no potentially significant adverse environmental impacts for the Project, and none are known to the City Council. Therefore, the City Council hereby determines that the Project will not have any significant adverse impacts on the environment; and

(v). As a consequence of the foregoing, the City Council has prepared a negative declaration with respect to the Project, a copy of which is attached hereto.

2. The Mayor is hereby directed to file the negative declaration with respect to the Project in City Hall and to maintain and a copy of the negative declaration in a file that will be readily accessible to the public.

3. This Resolution shall take effect immediately.

Approved as to form, August 8, 2013.

_____

Ian H. Silverman, Esq., Corporation Counsel

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
City of Troy

2. PROJECT NAME
Frear Park Municipal Golf Course Sprinkler System

3. PROJECT LOCATION:
Municipality City of Troy County County of Rensselaer

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
7 Eighteenth Street

5. PROPOSED ACTION IS:
☐ New ☐ Expansion ☑ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
See attached

7. AMOUNT OF LAND AFFECTED:
Initially _____ acres Ultimately _____ acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☑ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☐ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☑ Park/Forest/Open Space ☐ Other
Describe:
Municipal golf course

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: City of Troy Date: Sept. , 2013

Signature: _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☑ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☑ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

There will be minor, temporary impacts to noise levels from construction activity, but these will be of short duration.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

None. The sprinkler system will be compatible with the existing golf course.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

None. This is a municipal golf course and the use will not change. Existing habitat will be maintained.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

None. The golf course will continue to be used by the public as it is currently.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

None. The effect of the project will not be adverse, but will rather preserve the nature resources.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

None. The project is minimal in scope and consistent with the existing use.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

None.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☑ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☑ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☑ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

City of Troy

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

ATTACHMENT

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I – PROJECT INFORMATION

6. DESCRIBE PROJECT BRIEFLY:

The City of Troy intends to install a new irrigation system at the Frear Park Municipal Golf Course located at 7 Eighteenth Street. The sprinkler system will replace an obsolete system.

The installation of the sprinkler system is described in detail in the Request for Proposal – Frear Park Municipal Golf Course Irrigation System Improvements dated July 9, 2013.

RES # 47

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DUININCK GOLF TO PROVIDE FOR THE FREAR PARK MUNICIPAL GOLF COURSE IRRIGATION IMPROVEMENT PROJECT

WHEREAS, the City of Troy is the owner of an eighteen hole golf course known as Frear Park Municipal Golf Course; and

WHEREAS the City proposes improving the property with a new irrigation system; and

WHEREAS, the City solicited proposals from qualified vendors to provide for a complete, proper and timely installation of a new irrigation system for Frear Park Municipal Golf Course; and

WHEREAS, DUININCK GOLF submitted a proposal in response; and

WHEREAS, DUININCK GOLF was the lowest qualified bidder;

NOW THEREFORE BE IT RESOLVED, that the City Council hereby authorizes the Mayor to execute a contract with DUININCK GOLF in substantial conformance with the contract attached hereto and made a part hereof.

Approved as to form, August 16, 2013

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Ian H. Silverman, Corporation Counsel