

**TROY CITY COUNCIL AGENDA
REGULAR MEETING
September 8, 2016
7:00 P.M.**

Pledge of Allegiance
Roll Call
Good News Agenda
Vacancy List

Pursuant to § C-23 of the Troy City Charter Entitled "Public Forum", each Regular or Special meeting of the City Council shall include a period of time designated as a public forum, during which members of the public shall have the opportunity to address the Council on meeting agenda items and any other subject appropriate to the conduct of City government. (B) The structure of the public forum shall be set forth in the Council's rules of order, provided, however, that such rules do not abridge the following provisions: 1. The total time allotted for each speaker shall be at least five (5) minutes. 2. Public input on meeting agenda items must occur prior to the Council's consideration of such items. 3. No citizen of Troy, nor an attorney representing a citizen of Troy, shall be denied the right to speak. 4. The presiding officer of the meeting shall have sole discretion in limiting a speaker's remarks if they are deemed disruptive, obscene, or defamatory.

LOCAL LAW

3. Local Law 3 (Intro #3) 2016 For Enacting An Amendment To Section C-47(M) Of The Troy City Charter. (Council President Mantello)
4. Local Law No. 4 (Intro # 4) A Local Law To Enact Amendments To The Troy City Charter Approved By Voters At The General Election Of November 3, 2015 And Filed With The Office Of The Secretary Of State As Local Law 2 -2016 . (Council President Mantello)

ORDINANCES

54. Ordinance Amending The 2005, 2010, 2012, 2013, And 2014 Home Program To Transfer And Appropriate Funds Within The Home Program Budget. (Council President Mantello) (At the Request of the Administration)
55. Ordinance Declaring Certain City Owned Property As Surplus And Directing The Comptroller To Dispose Of Said Property. (Council President Mantello) (At the Request of the Administration)
56. Ordinance Authorizing And Directing The Reconveyance Of City-Owned Real Property. (Council President Mantello) (At the Request of the Administration)
60. Ordinance Amending The Code Of The City Of Troy, Chapter 176: Housing And Property Maintenance, § 176-16 Exterior Property Areas And § 176-17 Exterior Structure. (Council President Mantello) (At the Request of the Administration)
61. Ordinance Amending The Code Of The City Of Troy, Chapter 247: Solid Waste. (Council President Mantello) (At the Request of the Administration)

62. Ordinance Amending The Code Of The City Of Troy, Chapter 251: Streets And Sidewalks § 251-11 Fees For Permits. (Council President Mantello) (At the Request of the Administration)

63. Ordinance Amending The 2016 City Budget To Transfer Funds Within The General Fund Budget (Council President Mantello) (At the Request of the Administration)

64. Ordinance Approving Settlement Of Tax Certiorari Proceedings Instituted By Cifarelli Real Estate LLC On The Assessment Roll Of The City Of Troy. (Council President Mantello) (At the Request of the Administration)

65. Ordinance Amending The 2016 General Fund To Transfer Funds Within The General Fund Budget. (Council President Mantello) (At the Request of the Administration)

66. Ordinance Amending The 2016 Special Grants Fund To Appropriate Monies For Building Demolitions. (Council President Mantello) (At the Request of the Administration)

RESOLUTIONS

81. Resolution Appointing Commissioners Of Deeds For The City Of Troy. (Council President Mantello)

82. Resolution Adopting A Negative Declaration Relating To A Rezoning Of The Hillside/Berman Park Neighborhood From The Current R-3 Zoning Classification To An R-2 Zoning Classification. (Council President Mantello and Council Member Dean Bodnar)

83. Resolution By The Troy City Council Approving And Endorsing The City Of Troy, NY In Its Application To The Greenway Conservancy For The Hudson River Valley For Funding Under The Hudson River Valley Greenway Grant Program For The Uncle Sam Bikeway. (Council President Mantello) (At the Request of the Administration)

84. Resolution Authorizing The Mayor To Execute A License Agreement With National Grid Relating To The Ingalls Avenue Boat Launch Project. (Council President Mantello) (At the Request of the Administration)

86. Resolution By The Troy City Council Approving And Endorsing The City Of Troy, NY In Its Application To The Empire State Development Corporation For Funding Under The Restore NY Communities Initiative Grant Program For The American Theater. (Council President Mantello) (At the Request of the Administration)

88. Resolution Authorizing Issuance Of A Commercial Lessor's Bingo License To Bingo Green, Inc., D/B/A "Troy Atrium Bingo". (Council President Mantello) (At the Request of the Administration)

91. Resolution Recommending Inclusion of the City Council's Corrective Action Plan (CAP) in the Mayor's Proposed 2017 Budget (Council President Mantello, Council member McGrath, Council Member Gulli, Council Member Bodnar, Council Member Ashe-McPherson, Council member Donohue)

69. Resolution To Amend § 3 -103 G. Of The City Of Troy Procurement Policy. (Council President Mantello) **Tabled at 7-7-16 meeting**

57. Ordinance Amending The Code Of The City Of Troy, Chapter 124: Animals. (Council President Mantello) (At the Request of the Administration) **Tabled at 8-17-16 meeting**

VACANCY LIST
(September 1, 2016)

<u>Department</u>	<u>Title</u>	<u>No.</u>
A1010 City Council	Legislative Counsel – Minority	1
	Legislative Counsel – Majority	1
A1315 Comptroller-Admin	Head Account Clerk	1
A1440 Engineering	City Engineer	1
	Engineering Aide	1
A1490 City Services-Admin.	Commissioner of General Services	1
	Solid Waste Mgmt. Specialist	1
A3120 Police	Police Officer	2
	Data Entry Machine Operator	1
A3410 Fire	Firefighter	7
A3620 Code Enforcement	Asst. Code Inspector	1
A5110 DPW-Streets	Street Supervisor	1
	Motor Equipment Operator Heavy	1
A8022 Planning/CDBG	Director of Housing & Community Development	1
F1640 DPU/Garage	Auto Mechanic Helper	1
F8340 DPU/Trans. & Dist.	Sr. Water Maintenance Person II	1
	Laborer	1

LOCAL LAW NO. 3 (INTRO #3) 2016 FOR ENACTING AN AMENDMENT TO SECTION C-47 (M) OF THE TROY CITY CHARTER.

BE IT ENACTED, by the City Council of the City of Troy, as follows:

SECTION 1: § C-47(M) of the Troy City Charter shall be amended.

SECTION 2: § C-47 (M) of the City Charter, as amended, shall provide the following:

M. Transfer of funds. The City Council shall approve any transfers or appropriations of \$500 or more not specifically authorized in the budget. Upon written request of the Mayor and any department, division or bureau head, the City Council may approve the transfer of an unencumbered balance in an appropriation from any department, division or bureau to another department, division or bureau. For purposes of this section, a transfer shall include any shift of funds from one account to another, whether or not the funds are to be returned to the original account. Any transfer of funds from the water fund or sewer fund to any other department, division, bureau, or the general fund shall require a two thirds vote of the City Council. Additionally, any such legislation shall not be acted upon it shall be the subject of at least one public hearing by the council upon five days of public notice.

SECTION 3: Pursuant to § C-25 of the Troy City Charter, a Local Law amending the Charter shall not be acted upon by the City Council until it shall have been the subject of at least three public hearings after introduction unless such requirement is waived by a resolution of the Council adopted by a unanimous vote.

SECTION 4: The three public hearings required by § C-25 shall be scheduled as follows:

SECTION 5: This act shall be effective immediately.

Approved as to form, July 14, 2016

Kevin P. Glasheen, Corporation Counsel

Memo in Support

Prior to July 1, 2016 the Troy City Council adopted and duly filed with the Secretary of State Local Law #1 enacting an amendment to Section C-70 (M) of the Troy City Charter. This Local Law requires a two-thirds vote and a Public Hearing prior to any transfer of funds from the water or sewer fund to any other fund. We have discussed the fact with adoption of the New Charter of July 1, 2016 that this Local Law was effectively repealed since it is not included in the New Charter. Therefore, it is necessary to adopt a new Local Law to be included in the New Charter which would now be an amendment to Section C-47 (M) of the New Charter. Additionally since this is an amendment to the Charter three Public Hearings are required (C-25). I will schedule these Public Hearings at the August 4 City Council Meeting when the Local Law is introduced.

LOCAL LAW NO. 4 (INTRO # 4) A LOCAL LAW TO ENACT AMENDMENTS TO THE TROY CITY CHARTER APPROVED BY VOTERS AT THE GENERAL ELECTION OF NOVEMBER 3, 2015 AND FILED WITH THE OFFICE OF THE SECRETARY OF STATE AS LOCAL LAW 2 -2016.

Section 1. Amendments to the Troy City Charter.

BE IT ENACTED by the Troy City Council that the following sections of the Troy City Charter shall be amended in part: § 6 (h); § C – 14; § C – 18; § C – 52 and Article XII.

Section 2. § 6 (h) shall be amended as follows:

6. Definitions

(h). Definitions of Local Laws, Ordinances and Resolutions. A local law has the same effect as an act of the State Legislature. No local law may be inconsistent with any provision of state law, except as otherwise provided in the Municipal Home Rule Law. The passage of an ordinance shall require the affirmative vote of at least a majority of all the members of the City Council. No ordinance shall be passed by the Council on the same day on which it is introduced, ~~except by unanimous consent~~ except by a two-thirds vote of all members of the Council. Pursuant to Second Class Cities Law, Section 35, on the passage of every ordinance, the yeas and nays of the members voting shall be entered in full upon the journal. Unless otherwise required by state law, resolutions may be adopted without a waiting period, without notifying the public and without holding a public hearing. Resolutions may be introduced and passed at the same meeting and, unless otherwise stated, take effect immediately.

Section 3. § C-14 (6) shall be amended as follows:

§ C – 14. Powers of the City Council

6. To appoint and to remove the City Clerk, the City Auditor ~~the Bingo Inspector~~ and the Legislative Assistant to the City Council, and to set their salaries. ~~of the Council members, including the President, the Mayor, the City Clerk, and the Legislative Assistant to the City Council. Removal of any of the four aforementioned Council appointees would be accomplished by a reading on the record at a regular Council meeting of the reasons for such action, then by a two-thirds majority vote of the full Council at the next regular Council meeting.~~

Section 4. § C-18 shall be amended as follows:

§ C- 18. Organizational meetings

The first regular or special January meeting of the City Council ~~following the general election of each even-numbered year~~ shall be an organizational meeting at which the President Pro Tempore and the City Clerk shall be selected, standing committees appointed , and rules of order for the ensuing two years adopted.

Section 5. § C-47 shall be amended as follows:

F. Council action on recommended budget. The City Council shall meet in special session no later than October 15 to consider the recommended budget and set a date for a public hearing. At that special session, the Council shall refer the recommended budget to the Standing Committee on Finance, which shall in turn refer the budget recommendations for the City Departments to the appropriate standing committees of the City Council as follows: Department of Law, Police Court and City Court to the Law Committee; the Department of Public Safety to the Safety Committee; the Department of General Services to the General Services Committee; the Department of Public Utilities to the Public Utilities Committee; the Department of Planning and Economic Development to the Planning and Economic Development Committee; the Bureau of Information Services to the Science and Technology Committee; the City Council, the City Clerk, the Office of the Mayor and the Department of Finance to the Finance Committee; miscellaneous boards, agencies and commissions shall be referred to the appropriate standing committees by the Chair of the Finance Committee.

Section 6. § C-52 (C) shall be amended as follows:

§ C – 52. Department of Law

C. Duties of the Corporation Counsel. The Counsel shall act as legal advisor to the Mayor and to any City Council member, upon request of said City Council member. The Corporation Counsel shall appear for, and protect the right and interests of the City in all actions, suits or proceedings by it or against it or against any City Officer, employee, department, board or commission in connection with municipal business. The Corporation Counsel may employ or retain legal counsel to assist the Corporation Counsel with litigation and/or any other duty within the Law Department in which the City or any officer thereof is interested or is a party with the written consent of and at a compensation approved by the Mayor and the City Council.

Section 7. Article XII shall be amended to state as follows:

Article XII. Courts

A. The operations and administration of all Courts having jurisdiction within the City of Troy shall be conducted in accordance with all of the pertinent rules, regulations and laws of New York State Office of Court Administration.

B. Appointment of City Marshals. The City Council shall, within ten days after the first of January of each year or whenever vacancies occur in the office of City Marshal, appoint as many persons as may be necessary, not exceeding five initially, unless a greater number be prescribed by the City Council, to act as Marshals of the City Court. They shall hold office for two years and until their successors shall be appointed and have qualified unless sooner removed or suspended for cause, as herein provided. The Judge of said Court shall have the power to make rules and regulations to be entered in full upon the docket of said Court prescribing attendance and duties as the Court may deem necessary and proper, and a violation of said rules and regulations by said Marshals or any them is hereby constituted a cause for suspension and removal from office after appropriate hearing. If a Marshal be unable to for any reason to discharge his/her duties as such, the Council may appoint a qualified person to act in his/her place until such Marshal shall resume his/her duties as such or until a successor is duly appointed.

Section 8. Pursuant to § C – 25 of the Troy City Charter, a Local Law amending the charter shall not be acted upon by the City Council until it shall have been the subject of at least three public hearings after introduction.

Section 9. The three public hearings required by § C – 25 shall be scheduled as follows:

Section 10. This Local Law shall take effect after filing of same with the Office of the Secretary of State.

Approved as to Form, August 12, 2016

Kevin P. Glasheen Esq., Corporation Counsel

MEMO IN SUPPORT

In January of 2015, Mayor Louis Rosamilia appointed a bi-partisan Charter Review Commission. Over the following seven months, The Charter Review Commission conducted six public hearings and numerous Commission meetings as well as receiving written submission over several months. As a result of the process, the Charter Review Commission drafted a new City Charter that was substantially shorter in length than the prior City Charter. The new Charter was scheduled to take effect on 7/1/16.

Prior to the effective date of the new Charter, certain concerns were raised regarding various provisions of the new charter. These concerns were addressed by way of the exchange of memos explaining the Review Commission's overall goals and providing explanations and comments regarding specific concerns that were raised. Additionally, the City Council conducted a Workshop to review and discuss the concerns that had been raised. As a result of the above process, there were a limited number of provisions that were deemed to be desirable to add or to delete. The proposed Local Law contains the recommended additions and deletions to the new City Charter resulting from the discussion process outlined above.

The initial amendment is intended to correct a disparity between the language of § 6 (h) and § C-26 regarding the vote necessary to adopt a City ordinance at the same meeting at which it is introduced. The amendment to § C – 14 (6) responds to the concern raised regarding the public disclosure of reasons why a Council appointee was being removed and simply requires a majority vote of the Council for removal.

The amendment to § C – 18 responds to the desire of the Council to have the organizational meeting on a two year cycle following each Council election. The amendment to § C – 52 address tow concerns that were raised. The initial amendment restores the role of the Corporation Counsel in providing legal support to the City Council and its members. The second amendment confirms and clarifies the ability of the Corporation Counsel to utilize outside counsel on an as-needed basis to deal with City legal issues.

Finally, the Amendment to Article XII addresses the appointment of City Marshals that was an oversight in the new Charter. There are two changes from the prior version. The prior version in the old Charter called for the new Council to appoint the Marshals within 5 days of January 1. That time has been extended to 10 days. The second change dealt with language calling upon the City Marshal to serve as an attendant at City Court. That role does not exist anymore as OCA runs the City Court with its own personnel and security.

**ORDINANCE AMENDING THE 2005, 2010, 2012, 2013, AND 2014 HOME
PROGRAM TO TRANSFER AND APPROPRIATE FUNDS WITHIN THE
HOME PROGRAM BUDGET**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2005, 2010, 2012, 2013 and 2014 Home Program Budget is hereby amended to allow for appropriation and transfer of certain funds as provided in Schedule A entitled:

2016 CDBG/Home Program Budget Amendment

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form August 10th, 2016

Kevin Glasheen, Corporation Counsel

MEMO IN SUPPORT

Title: Ordinance amending the 2005, 2010, 2012, 2013 and 2014 Home Program Budget appropriations.

Summary of Provisions: This legislation will allow for the reallocation and appropriation of certain Home Program funds within its 2005, 2010, 2012, 2013 and 2014 program years.

Present Law: N/A.

Purpose: Reallocation of Home Program funds from current year budget line to another and to appropriate 2005, 2010, 2012, 2013 and 2014 program income to augment a current account that will provide for additional funds needed for making homeownership a reality.

Overall Budget Fiscal Impact: None.

SCHEDULE A

2016 CDBG / HOME BUDGET AMENDMENT

Expenditures CD510

Account No.	Description	Original Budget**	Change (+ / -)	Revised Budget
Home Program 2012-2013 Program Year				
CD.2012.0400.5000.5175	Contractual Expense Homebuyer's Incentive Program	200,000.00	(20,000.00)	180,000.00
Home Program 2013-2014 Program Year				
CD.2013.0400.5000.5175	Contractual Expense Homebuyer's Incentive Program	200,000.00	(20,000.00)	180,000.00
Home Program 2014-2015 Program Year				
CD.2014.0400.5000.5175	Contractual Expense Homebuyer's Incentive Program	200,000.00	(11,465.93)	188,534.07
Home Program 2015-2016 Program Year				
CD.2015.0400.5000.5175	Contractual Expense Homebuyer's Incentive Program	250,000.00	51,465.93	301,465.93
Home Program 2005-2006 Program Year				
CD.2005.0400.5000.5173	CHDO Operating Exp (Admin)	32,550.00	(853.74)	31,696.26
Home Program 2010-2011 Program Year				
CD.2010.0400.5000.5172	CHDO Proj - Making Homeownership A Reality	681,487.08	(693.98)	680,793.10
Home Program 2014-2015 Program Year				
CD.2014.0400.5000.5179	CHDO Proj - Contractual Expense	229,330.00	128,032.75	357,362.75
Total Expenditure Increase			<u>\$126,485.03</u>	
Revenue CD960				
CD.8000.4910.5000	Federal Aid - Home Partnership	\$ -	\$126,485.03	\$126,485.03
Total Revenue Increase			<u>\$126,485.03</u>	

Schedule A - Department of Housing & Community Development

Account Transfers (HOME PROGRAM)

Account Type	ACCOUNT #	ACTIVITY NAME	ACCOUNT BALANCE	TRANSFER OUT	TRANSFER IN	REVISED ACCOUNT APPROPRIATION	DESCRIPTION
HOME	CD.2012.0400.5000.5175	(HIP) Homebuyer's Incentive Program	\$200,000.00	(\$20,000.00)		\$180,000.00	Funds Moved to a more current LIKE ACCOUNT, Same Purpose
HOME	CD.2013.0400.5000.5175	(HIP) Homebuyer's Incentive Program	\$200,000.00	(\$20,000.00)		\$180,000.00	Funds Moved to a more current LIKE ACCOUNT, Same Purpose
HOME	CD.2014.0400.5000.5175	(HIP) Homebuyer's Incentive Program	\$200,000.00	(\$11,465.93)		\$188,534.07	Funds Moved to a more current LIKE ACCOUNT, Same Purpose
HOME	CD.2015.0400.5000.5175	(HIP) Homebuyer's Incentive Program	\$250,000.00		\$51,465.93	\$301,465.93	
HOME	CD.2005.0400.5000.5173	CHDO Admin	\$32,550.00	(\$953.74)		\$31,696.26	Transferring to newer account / Funds to be used in New Project
HOME	CD.2010.0400.5000.5172	CHDO Project - Making Homeownership A Reality	\$681,487.03	(\$693.98)		\$680,793.10	Transferring to newer account / Funds to be used in New Project
HOME	CD.2014.0400.5000.5179	CHDO Housing Project/New Construction	\$229,330.00		\$1,647.72	\$230,977.72	

Program Income / Recaptured Funds (HOME PROGRAM)

HOME	CD.2014.0400.5000.5179	CHDO Housing Project/New Construction	\$230,877.72		\$102,010.00	\$332,887.72	Program Income from CHDO Project / distributed by our HOME Consortium
HOME	CD.2014.0400.5000.5179	CHDO Housing Project/New Construction	\$332,887.72		\$26,475.03	\$359,362.75	Recaptured from CHDO Project / distributed by our HOME Consortium

**CDBG/ESG/HOME ADMINISTRATIVE TRANSFER
CITY OF TROY, NEW YORK**

FROM

TO

BUREAU: Housing & Community Development
CONTRACTUAL EXPENSE.HOME
PARTNERSHIP.HOMEOWNERS
ACCT. NAME: INCENTIVE PROGRAM (HIP)

Housing & Community Development
CONTRACTUAL EXPENSE.HOME
PARTNERSHIP.HOMEOWNERS
INCENTIVE PROGRAM (HIP)

ACCT. NO: CD.2012.0400.5000.5175

CD.2015.0400.5000.5175

CURRENT APPROPRIATION: \$ 200,000.00

\$ 250,000.00

AMOUNT ENCUMBERED: \$ 180,000.00

\$ 155,000.00

AMOUNT TO BE TRANSFERRED: \$ 20,000.00

\$ 20,000.00

REVISED APPROPRIATION: \$ 180,000.00

\$ 270,000.00

NEW ACCOUNT: Y OR N

A. PURPOSE OF TRANSFER: (BE SPECIFIC) "LIKE ACCOUNT" - To move funds to a more current project / funding year

B. SOURCE OF FUNDS: (1) BUDGET ITEM DELETED OR EXPENSE AVOIDED: N/A

(2) EXTENT OF THIS DELETION ON DEPARTMENT'S FUNCTION: _____

REQUESTED BY: *Carlin Skopitz*
DEPARTMENT HEAD

5/11/16
DATE

UNENCUMBERED FUNDS AVAILABLE:
AVAILABLE: YES NO

CITY COUNCIL APPROVAL: _____

DATE: 5-9-16

DATE: _____

AUDITED: *[Signature]*
CITY AUDITOR

CITY COMPTROLLER

DATE: _____

APPROVED: _____ DISAPPROVED: _____

MAYOR

CDBG/ESG/HOME ADMINISTRATIVE TRANSFER
CITY OF TROY, NEW YORK

<u>FROM</u>	<u>TO</u>
BUREAU: <u>Housing & Community Development</u> <u>CONTRACTUAL EXPENSE.HOME</u> <u>PARTNERSHIP.HOMEOWNERS</u>	<u>Housing & Community Development</u> <u>CONTRACTUAL EXPENSE.HOME</u> <u>PARTNERSHIP.HOMEOWNERS</u>
ACCT. NAME: <u>INCENTIVE PROGRAM (HIP)</u>	<u>INCENTIVE PROGRAM (HIP)</u>
ACCT. NO: <u>CD.2013.0400.5000.5175</u>	<u>CD.2015.0400.5000.5175</u>
CURRENT APPROPRIATION: \$ <u>200,000.00</u>	\$ <u>270,000.00</u>
AMOUNT ENCUMBERED: \$ <u>180,000.00</u>	\$ <u>155,000.00</u>
AMOUNT TO BE TRANSFERRED: \$ <u>20,000.00</u>	\$ <u>20,000.00</u>
REVISED APPROPRIATION: \$ <u>180,000.00</u>	\$ <u>290,000.00</u>

NEW ACCOUNT: Y OR N

A. PURPOSE OF TRANSFER: (BE SPECIFIC) To move funds to a more current project / funding year

B. SOURCE OF FUNDS: (1) BUDGET ITEM DELETED OR EXPENSE AVOIDED: N/A

(2) EXTENT OF THIS DELETION ON DEPARTMENT'S FUNCTION: _____

REQUESTED BY: Carla Skudopak
 DEPARTMENT HEAD

5/9/16
DATE

UNENCUMBERED FUNDS AVAILABLE:
AVAILABLE: YES NO

CITY COUNCIL APPROVAL: _____

DATE: 5-9-16

DATE: _____

AUDITED: [Signature]
 CITY AUDITOR

CITY COMPTROLLER

DATE: _____

APPROVED: _____ DISAPPROVED: _____

MAYOR

CDBG/ESG/HOME ADMINISTRATIVE TRANSFER
CITY OF TROY, NEW YORK

3 OF 3

FROM

TO

BUREAU: Housing & Community Development
CONTRACTUAL EXPENSE.HOME
PARTNERSHIP.HOMEOWNERS
ACCT. NAME: INCENTIVE PROGRAM (HIP)

Housing & Community Development
CONTRACTUAL EXPENSE.HOME
PARTNERSHIP.HOMEOWNERS
INCENTIVE PROGRAM (HIP)

ACCT. NO: CD.2014.0400.5000.5175

CD.2015.0400.5000.5175

CURRENT APPROPRIATION: \$ 200,000.00

\$ 290,000.00

AMOUNT ENCUMBERED: \$ 180,000.00

\$ 155,000.00

AMOUNT TO BE TRANSFERRED: \$ 11,465.93

\$ 11,465.93

REVISED APPROPRIATION: \$ 188,534.07

\$ 301,465.93

NEW ACCOUNT: Y OR N

A. PURPOSE OF TRANSFER: (BE SPECIFIC) "LIKE ACCOUNT" - To move funds to a more current
project / funding year

B. SOURCE OF FUNDS: (1) BUDGET ITEM DELETED OR EXPENSE AVOIDED: N/A

(2) EXTENT OF THIS DELETION ON DEPARTMENT'S FUNCTION: _____

REQUESTED BY: Carlin Skopitzhak
DEPARTMENT HEAD

5/9/16
DATE

UNENCUMBERED FUNDS AVAILABLE:
AVAILABLE: YES NO

CITY COUNCIL APPROVAL: _____

DATE: 5/9/16

DATE: _____

AUDITED: [Signature]
CITY AUDITOR

CITY COMPTROLLER

DATE: _____

APPROVED: _____ DISAPPROVED: _____

MAYOR

CDBG/ESG/HOME ADMINISTRATIVE TRANSFER
CITY OF TROY, NEW YORK

<u>FROM</u>	<u>TO</u>
BUREAU: <u>Community Development</u>	<u>Community Development</u>
ACCT. NAME: <u>CHDO Admin</u>	<u>CHDO Housing Project</u>
ACCT. NO: <u>CD.2005.0400.5000.5173</u>	<u>CD.2014.0400.5000.5179</u>
CURRENT APPROPRIATION: \$ <u>32,550.00</u>	\$ <u>229,330.00</u>
AMOUNT ENCUMBERED: \$ <u>31,646.68</u>	\$ <u>36,271.82</u>
AMOUNT TO BE TRANSFERRED: \$ <u>853.74</u>	\$ <u>853.74</u>
REVISED APPROPRIATION: \$ <u>31,696.26</u>	\$ <u>230,183.74</u>

NEW ACCOUNT: Y OR N

- A. PURPOSE OF TRANSFER: (BE SPECIFIC) Transfer is being done to provide needed funds into a More Current Project
- B. SOURCE OF FUNDS: (1) BUDGET ITEM DELETED OR EXPENSE AVOIDED: NA Funds used for Similar Purpose
- (2) EXTENT OF THIS DELETION ON DEPARTMENT'S FUNCTION: NA

REQUESTED BY: Candice Skerzhan
DEPARTMENT HEAD

5/9/16
DATE

UNENCUMBERED FUNDS AVAILABLE:
AVAILABLE: YES NO

CITY COUNCIL APPROVAL: _____

DATE: 5-9-16

DATE: _____

AUDITED: [Signature]
CITY AUDITOR

CITY COMPTROLLER

DATE: _____

APPROVED: _____ DISAPPROVED: _____

MAYOR

Memorandum

To: Joseph Mazzariello, City Comptroller
CC: Patrick Madden, Carmella Mantello
From: Carolin Skriptshak
Date: 5/9/2016
Re: Transfer of HOME Funds to Newer Similar Accounts, Allocation of HOME Program
Income, & Allocation of Recaptured Funds

The Department of Housing and Community Development proposes to transfer funds from multiple Home Investment Partnerships Accounts in order to bring accounts up-to-date and reallocate funds to current programs. (See schedule A)

- HOME HIP Program – transfer of unencumbered funds from 2012, 2013, and 2014 Home Investment Partnerships, Homebuyers Incentive Program (HIP) Funds into the current year, 2015 Homebuyers Incentive Program Account. Funds will be used for the current HIP program and spent down accordingly.
- CHDO Admin / Program Funds – transfer of residual Community Housing Development Organization (CHDO) administration (2005) and program funds (2010), from prior years, into a more current CHDO Housing Project Account. These funds will be reallocated and committed to a current CHDO Project and spent as needed.

In addition, the Department of Housing and Community Development proposes the allocation of additional funds into a current CHDO Housing Project Account. These funds have been acquired from the HOME Consortium (Schenectady/Troy/Colonie) through Program Income and Recaptures.

- Program Income / Recaptured Funds – A total of \$126,485.03 has been allocated to the City of Troy's Home Investment Partnerships Program. These funds will be reallocated and committed to a current CHDO Project and spent as needed.

ORDINANCE DECLARING CERTAIN CITY OWNED PROPERTY AS
SURPLUS AND DIRECTING THE COMPTROLLER TO DISPOSE OF SAID
PROPERTY

The City of Troy, in City Council convened, ordains as follows:

Section 1. Pursuant to §C-41 (13) (8) of the City Charter, the item of City owned property, described in the attached memorandum is herein declared to be surplus and the City Purchasing Agent or a designee, is hereby authorized and directed to sell all said property.

Section 2. The said property shall be sold "as is" for the highest bid price and on such additional terms and conditions as shall be set by the City Comptroller.

Section 3. If no bidder or bidders are interested in any or all of said property, the City Comptroller is hereby authorized to dispose of any such item.

Section 4. This ordinance shall take effect immediately.

Approved as to form, August 10, 2016

Kevin P. Glasheen, Corporation Counsel

MEMO IN SUPPORT

As you may recall, the Council approved a two year agreement between the City of Troy ("City") and the firm of Collar City Auctions. Over time, the City accumulates significant amounts of equipment and/or materials in connection with various City activities that are of no use to City operations. The City Purchasing Agent, Kathy Kussler, is working with the various City departments to identify and dispose of such no longer useful property on a periodic basis and hopefully to obtain some value for such property by marketing as selling such property through the services of Collar City Auctions.

In connection with this ordinance, there has been such surplus property identified by the Police Department, Department of Public Works and the Information Technology Department consisting of old copiers, computer equipment and old vehicles. The property items to be declared surplus property are listed in the back-up material. As these property items are no longer serve any useful function for the City and the sale of these items may yield some value, it is recommended that the Council declare them to be surplus property so that Collar City Auctions may market and sell them to the extent possible.

Troy Police Department
Old Copy Machines for Auction

1. Admin Copier - 2nd Floor - Imagistics
Model #IM4511
Serial #5100360
2. Detective Bureau Copier -- 2nd Floor - Bizhub 353
Model #DF-611
Serial #A01HOW0105239
3. Records Room Copier #1 -- Basement Floor -- Bizhub 600
Model #
Serial #15JRR49218
4. Records Room Copier #2 -- Basement Floor - Bizhub 250
Model #DF-605
Serial #71056716
5. Front Desk Copier - 1st Floor - Xerox Workcenter 4260
Model #
Serial #CNCMJC9604615AEPINJ8PE346

Wholesale				
1997	Ford	gold	3FA1P71W8SXL2S195	
1999	Yokuto	grey	VVINCS6D5XJ002149	
2000	Jeep	black	1J4RP2859Y1251615	
2000	Jeep	grey	1JGEP18146YL006609	
2003	Ford	white	2FA1P71W53X121K29	Marked Unit
2006	Ford	white	2FA1P71W06X118608	Marked Unit
2006	Ford	white	2FA1P71W06X107200	Marked Unit
1997	Ford	blue	2FALP71WQVX1859H0	Marked Unit
2000	Chevy	darkblue	2G1WP55K1Y039476	
1999	Ford Expedition	white	1F4PU18L3XLA95732	
2003	Ford Van	black	1FTZR15XXWT46180R	Original Color Grey - Title Missing
1999	Ford Ranger	black	1FTZR15XXWT46180R	
2003	Ford	white	2FA1P71W4JX137634	Marked Unit
2008	Ford	white	2FA1P71V08X126895	Marked Unit
2008	Ford	white	2FA1P71V58X126892	Marked Unit
2008	Ford	white	3FA1P71V98X126891	Marked Unit
2010	Ford	white	2FA1P71W3AX109633	Marked Unit
1999	Ford	green	1FMRU1BLOXLB03598	SOS
2003	Ford	white	2FA1P71W63X137635	Marked Unit
2002	Dodge	blue	2B3HE4DK2H245930	D.B.
1999	Vahvo	green	VV1LW55A8X2591293	SOS
2008	Ford	white	2FA1P71V98X126894	Marked Unit
2008	Ford	white	2FA1P71W13X140525	Marked Unit
2008	Ford	white	2FA1P71V48X126897	Marked Unit
2008	Ford	white	2FA1P71V48X126897	Marked Unit

AUCTION VEHICLES
DEPARTMENT OF PUBLIC WORKS

Vehicle	Year	Make	Model	Mileage	Vin#
2	1999	International		4900 53K	1HTSDADR5XH6D3407
12	1999	International		4900 103K	1HTSDADR7XH6D3408
15	2001	International		4700 54K	1HTSLAANS1H370141
27	1998	GMC	K3500 4x4		1GTHK34R7W2528775
33	1991	Chevrolet	1500 Cheyenne	158K	1GCCD14ZME178861
34	1996	Chevrolet	K3500 4x4	123K	1G8HK34R6T189272
35	1999	Chevrolet	K3500 4x4	71K	1GCHK34R1XR703197
36	1999	Chevrolet	K3500 4x4	70K	1GCHK34R5XR703042
45	2000	GMC	K3500 4x4	56K	1GTHK34R3YR153342
45	1999	Chevrolet	K3500 4x4	80K	1GCHK34R6XR703275
61	1999	Ford	Crown Victoria	157K	2FAFP71W6XX189994
63	1993	Ford	Crown Victoria	167K	2FACP71W4PX165961
82	2002	Dodge	Interped		2B3HD46R4Z265931
		Tennant	sidewalk sweeper		Diesel - ATLV4300
116		Caterpillar	930 Bucket Loader		4TK1458
6	1999	International		4900	1HTSDADR8XH686489
31	1996	Chevrolet	Pickup		1GCHK34R1TZ109090
145	2000	International	Dump		1HTSDAARXYH309474
130	2005	Centurion	Sweeper		1GDM7F1379F516798
128	1996	Edgin	Pelican - Sweeper		P1988D
1	2000	International	Utility		1HTSDADR2YH65480

DEPARTMENT OF PUBLIC UTILITIES

Vehicle	Year	Make	Model	Mileage	Vin#
25	1998	Chevrolet	K3500	81K	1GCCE14NXWZ200857
31	1999	GMC Ext Cab	2500 4x4	92K	1G1GK29R0WES28851
130	2000	GMC Ext Cab	2500 4x4	100K	1G1GK29R2YF495588
35	1984	International	S1900	76K	

AUCTION VEHICLES

Vehicle	Year	Make	Model	Mileage	Vin#	Marked Unit
POLICE						
	1997	Ford	Gold		2FALEP71W9SX125195	
	1993	Volvo	Grey		YV18036SD5XJ002149	
	2000	Jeep	Black		1L4FF2869YL251616	
	2000	Honda	Grey		1HGEL0146YL006603	
	2003	Ford	White		2FAFP71W63X121829	MIJ
	2006	Ford	White		2FAHP71W96X102200	
	1997	Ford	Blue		2FALEP71W0VX165930	MIJ
	2000	Chery	Dark Blue		2G1WF66K1Y9329476	
	1999	Ford Expedition	White		1FMRU483XLA95792	
	2003	Ford Crown Victoria	White		2FAFP71W63X137635	
	2010	Ford Crown Victoria	White		2FA8P7BVSAX109833	
	2002	Dodge	Inherit		2B9HD48R22H265930	
2	2003	Ford Van	Black		1FTHSS34H1MH442649	title missing/ orig. color grey
23	1999	Ford Ranger	Black		1FTZP15XXXW7A61808	
	2003	Ford	White		2FAFP71W43X137634	
	2003	Ford	White		2FAHP71V630X126882	
	2006	Ford	White		2FAHP71W06X118698	MIJ
	2006	Ford	White		2FAHP71W96X118607	MIJ
RECREATION						
Vehicle	Year	Make	Model	Mileage	Vin#	
#34	1996	Chevrolet	K3530 4x4	123K	1GBHK34R0TE189272	
#127	2001	ODB	Puma Leaf Vap		4070303	
#161	1988	Ford	5558 Backhoe	C778945		

**ORDINANCE AUTHORIZING AND DIRECTING THE RECONVEYANCE
OF CITY-OWNED REAL PROPERTY**

The City of Troy, in City Council, convened, ordains as follows:

- Section 1.** Pursuant to Section 83-5 of the Troy Code, the Bureau of Surplus Property accepted applications for the reconveyance of city-owned property within one month of the first newspaper advertisement of the sale of said city-owned property, which is located at 3248 6th Avenue identified as Tax Map SBL No 90.63-1-30.
- Section 2.** The Mayor is hereby authorized to reconvey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the competitive bidding and upon the terms and conditions set forth below.
- Section 3.** The Mayor is hereby empowered to execute and deliver to the said applicant a quitclaim deed conveying said premises hereinafter described, but said conveyance is to be made expressly subject to the conditions hereinafter set forth.
- Section 4.** The purchaser, purchase price and terms and conditions of sale are as follows:
- PURCHASER – ALVA CONSTRUCTION
- PURCHASE PRICE - \$18,738.25 for Parcel No 90.63-1-30.

TERMS AND CONDITIONS: Purchaser to submit a check to City of Troy by August 31, 2016 in the full amount of purchase price. Purchasers shall be liable for and pay all filing and recording fees related to the filing and recording of the deed with the Rensselaer County Clerk.

- Section 5.** This Ordinance shall take effect immediately.

Approved as to form, August 9, 2016

Kevin P. Glasheen, Corporation Counsel

Series #

Applicant's Name: Alva Construction
(This is the name which will be on the Deed from the City of Troy if your reconveyance is finalized)

Mailing Address: 680 Summit Avenue (PHONE # 201-315-2926)
Troy City, NY 017307

Tax Map Number: _____ Ward/Plate Number: _____

Property Address: 3248 6th Avenue, Troy, NY 12180

Status of Applicant to Owner who was foreclosed on:

Lienor, (If lienor, type of lien):

I, Alva Construction, hereby state that I am the former owner (lienor) of 3248 6th Avenue, Troy, NY
12180
and that I have not accepted or agreed to accept any consideration or other assistance for making this
application in return for a promise or agreement to convey, transfer or assign my right, title and interest in
the lands to be conveyed.

DATED:

STATE OF NEW YORK
COUNTY OF
CITY OF

Jeffrey Rincen being duly sworn deposes and says that
he is the applicant herein and he has read the foregoing application and knows the content thereof that the
same is true to the knowledge of the deponent.

[Signature]
Applicant's Signature

Sworn to Before Me this
3 Day of August 2016

Applicant's Signature

[Signature]
NOTARY PUBLIC OR COMMISSIONER OF DEEDS

SHARON L MARTIN
Notary Public, State of New York
No. 01MA6259302
Qualified in Rensselaer County
Commission Expires April 09, 2018

2016 IN-REM

BC0057
 Property Address
 Account # 1307940
 Tax Map # 90.63-1-30

Alva Construction
 3248 6th Ave
 Troy, NY 12180

Payment Amount Due

Delinquent Taxes City Principal	\$ 3,578.20	
Delinquent Taxes County Principal	\$ 2,079.20	
Delinquent School Taxes Principal	\$ 4,469.75	
Delinquent Library Principal	\$ 122.78	
Delinquent BID Principal	\$ -	
Delinquent Recycling Principal	\$ 58.00	
Sub Total		\$ 10,307.93

Delinquent Taxes City Interest	\$ 3,263.83	
Delinquent Taxes County Interest	\$ 524.71	
Delinquent Taxes School Interest	\$ 950.55	
Delinquent Recycling Interest	\$ 14.50	
Sub Total		\$ 4,743.59

Adv Fee	\$ 60.00	
Delinquent Water (with interest) (For Treasurers Office)		
Sub Total		\$ 60.00
* Total Taxes Due		\$ 15,111.52

* Administrative Fee 15% or \$300.00 of total taxes due (which ever is greater)	\$ 2,266.73	
Reconveyance Fee	\$ 235.00	
Advertising Fee	\$ 25.00	
Assessors Fee	\$ 300.00	
Legal Fees	\$ 150.00	
Closing Fees	\$ 400.00	
Sub Total		\$ 3,376.73

Rensselaer County Filing Fees		
Transfer Gains (\$4.00 per \$1000.00)	\$ 60.00	
Filing Fee	\$ 45.00	
\$5.00 per page of deed to be filed (X3)	\$ 15.00	
TP584	\$ 5.00	
RP5217 \$125.00 or \$250.00	\$ 125.00	
(100-299 or 411C are \$125.00 all other classes are \$250.00)		
Sub Total (For Rens. Cnty Clerks Office)		\$ 250.00

TOTAL DUE BY 8/31/16 \$ 18,738.25

CHECK 1 (Made out to Assessors)	\$ 18,488.25
CHECK 2 (Made out to Treasurers)	\$ -
CHECK 3 (Made out to Rensselaer Cnty Clerk)	\$ 250.00

MUST BE CERTIFIED FUNDS

Prepared by Vicki Rosen

Date: 8/2/16

Reviewed By: [Signature]
 City Comptroller/Deputy Comptroller

Pd
8/3/16

**ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 176:
HOUSING AND PROPERTY MAINTENANCE, § 176-16 EXTERIOR PROPERTY AREAS
AND § 176-17 EXTERIOR STRUCTURE**

The City of Troy, in City Council convened, ordains as follows:

Section 1: Chapter 176: Housing and Property Maintenance, § 176-16 Exterior property areas and § 176-17 Exterior structure are amended to add new matter underlined:

§ 176-16 Exterior property areas.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit or premises, for the purpose of living therein, which does not comply with the following requirements. The Director of Code Enforcement of the City of Troy and/or his/her designee shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements.

A.

Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage.

B.

Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon.

C.

~~Noxious weeds. All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.~~

Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include lawn grass, planted ornamental grasses, cultivated flowers and cultivated flower and vegetable gardens..

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with Section 176-12 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, and duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

D.

Insect and rodent harborage. Every owner of a dwelling or multifamily dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or

public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

E.

Accessory structures. All accessory structures including detached garages shall be maintained structurally sound and in good repair.

F.

Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Exception: Unless approved by the Director of Code Enforcement and the Planning Commission.

§ 176-17 Exterior structure.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or multifamily dwelling, dwelling unit, rooming house, rooming unit, or portion thereof for the purpose of living therein, which does not comply with the following requirements.

A.

Foundations, walls and roof. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

B.

Foundations. The foundation elements shall adequately support the building at all points.

C.

Exterior walls. All exterior walls, eaves, soffits, fascia, cornices, overhangs and trim shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.
[Amended 9-1-2011 by Ord. No. 5]

D.

Roofs. The roof shall be structurally sound, tight, and have no defects which might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.

E.

Stairs, porches and railings. Stairs and other exit facilities shall be adequate for safety, as provided in the Uniform Fire Prevention and Building Code and shall comply with the following subsections.

F.

Structural safety. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected, as required by the Uniform Fire Prevention and Building Code, and shall be kept in sound condition and good repair.

G.

Handrails. When the Inspector deems it necessary for safety, every flight of stairs which is three risers or more high shall have handrails, which shall be located as required by the Uniform Fire

Prevention and Building Code, and every porch which is three risers or more high shall have handrails so located and of such as required by that code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

H.

Windows, doors and hatchways. Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

I.

Windows to be glazed. Every window sash shall be fully supplied with glass windowpanes (or an approved substitute), which are without open cracks or holes.

J.

Windows to be tight. Every window shall be in good condition and fit reasonably tight within its frame.

K.

Windows able to be opened. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

L.

Door hardware. Every exterior door, door hinge, and door latch shall be maintained in good condition.

M.

Doors to fit in frame. Every exterior door, when closed, shall fit reasonably well within its frame.

N.

Window and door frames to fit in wall. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering any dwelling or multifamily dwelling.

O.

Basement hatchways. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling or multifamily dwelling.

P.

Exit doors. Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

Q.

Screening. Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

(1)

Guards for basement windows. Every basement or cellar window which is openable shall be supplied with corrosive-resistive rodent-proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum, or No. 16 U.S. gage expanded metal or wire mesh screens, with not more than one-half-inch mesh openings, or with other material affording equivalent protection against the entry of rodents, including storm windows.

(2)

Insect screens. From May 1 to October 15 of each year, every door opening directly from any dwelling or multifamily dwelling unit to the outdoors and every window or other outside opening used for ventilation purposes shall be supplied with a screen of not less than 16 mesh per inch and every swinging screen door shall have a self-closing device in good working condition,

except that no such screens shall be required for a dwelling unit on a floor above the fourth floor. After compliance with above in any one season, in two-family and multidwelling units, every occupant thereof shall be responsible for the maintenance and repair of said screens in their individual dwelling unit

R.

Exterior wood surfaces. Exterior wood surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservatives.

S.

Roof gutters and downspouts shall be maintained and anchored and kept in good working condition. No gutter shall be installed so that water is discharged onto a neighbor's property or City right-of-way.

T.

Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

[Added 9-1-2011 by Ord. No. 5]

Section 2. This Ordinance shall take effect 30 days after approval by the Council.

Approved as to form, August 9, 2016

Kevin P. Glasheen, Corporation Counsel

MEMO IN SUPPORT

The amendment to this ordinance in Subsection C is intended to provide greater clarity to the term weeds and also to provide Code Enforcement with a more effective provision to require property owners to maintain the open areas of their property in a manner that improves the overall appearance of the respective property and, in so doing, also helps to improve the appearance of the respective neighborhood.

The addition of Subsection E is intended to provide Code enforcement with an additional tool with which to deal with the problem of unsightly and/or inappropriate markings on buildings. It also places responsibility on an owner to restore the surface that has been defaced so that unsightly markings on buildings will not remain for extended periods of time.

The City realizes that there can be attractive and appropriate artwork, such as certain wall murals, that can be placed to good effect on certain buildings. This amendment provides Code Enforcement with the ability to make exceptions for such appropriate art work.

Subsection T is intended to provide Code Enforcement with a tool to deal with the recurring problem of deteriorated exterior gates to respective properties. Such gates fail to perform their basic function of securing an owner's property from the entry of children or unauthorized persons creating potential safety issues or a means for illegal entry or other illegal activities.

ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 247: SOLID WASTE

The City of Troy, in City Council convened, ordains as follows:

Section 1: § 247-9 entitled Duties of owners and occupants. This section amended to add new matter underlined:

§ 247-9 Duties of owners and occupants.

[Amended 10-6-1977]

A.

The owner or occupant of any lot, store, building or house in said City who may desire that any of the solid wastes covered by the provisions of this chapter should be removed by the Department of Public Works, or by a contractor engaged by the City or by scavengers employed by individual owners, from the premises owned or occupied by him, shall secure the same in heavy-duty plastic bags tied at the top, or specially treated paper bags and deposit same, in the case of garbage or moist or liquid waste, in water-tight, covered wooden, plastic or metal containers and, in the case of ashes or dry waste or rubbish, in covered plastic or metal containers.

[Amended 5-1-2003 by Ord. No. 4]

B.

In the case of commercial and industrial waste such as cardboard boxes, crates, cartons, etc., all such solid wastes must be flattened and securely tied for removal. All bulk refuse shall be placed at the curb at the time specified by the Department. Leaves and lawn clippings shall be placed in approved containers. Tree trimmings and hedge trimmings shall be securely tied in bundles not heavier than 75 pounds and not more than five feet in length nor more than 18 inches in diameter. The City shall not provide collection for hazardous refuse, junk vehicles or sewage solids. All other solid wastes shall be placed in acceptable containers not exceeding 50 pounds in weight or 20 gallons in capacity.

C.

Standard containers which have rusted through the sides or bottom or are bent, dented or damaged to the extent that they are not water-, fly- or rodent-tight shall not be used for storing solid wastes. These containers may be classed as solid waste and collected and disposed of as such by the person or agency responsible for the collection of solid wastes. The person or agency shall first place a tag upon such receptacle, stating that the receptacle fails to meet the requirements of this article. In the event that the container is not repaired or replaced before the next collection period, it shall be collected as solid waste.

D.

All sweepings of sidewalks or premises must be picked up and placed in such containers.

E.

Such containers, when filled with solid wastes to be removed, shall be placed at the curb adjacent to the premises owned or occupied by him/her or, if there be an alley in the rear of such premises, in such alley close to such premises, not more than 12 hours before collection of solid wastes in the residential areas and not more than 10 hours before collection of solid wastes in the business areas of the City.

F.

It shall be the duty of such owner or occupant to cause wooden, plastic or metal containers, when emptied of their contents by the Department, to be removed from the curb or alley.

G.

All solid waste containers shall be marked for identification by the owner, either by name or street number.

H.

It is the owner's responsibility to provide a minimum of two containers per residential unit, with the exception of residential units for which the City provides waste containers.

Section 2. This Ordinance shall take effect 30 days after approval by the Council.

Approved as to form, August 10, 2016

Kevin P. Glasheen, Corporation Counsel

MEMO IN SUPPORT

Code Enforcement, on a regular basis, is either being contacted or observing situations where there is excess trash or garbage that cannot be contained in appropriate trash containers and is being piled next to a trash container. This type of situation creates an unsightly condition as well as a potential health hazard. This type of situation is often due to the lack of an adequate number of trash containers to hold the trash for each residential unit and is most prevalent in connection with multiple dwelling units.

The addition of subsection H. to Sec. 247-9 requires a minimum of two trash containers per dwelling unit. It is hoped that this requirement will significantly reduce the problem of overflowing trash and garbage due to a lack of adequate trash container capacity.

**ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 251:
STREETS AND SIDEWALKS § 251-11 FEES FOR PERMITS**

The City of Troy, in City Council convened, ordains as follows:

Section 1: § 251-11 Fees for permits. This section is amended to add new matter underlined:

§ 251-11 Fees for permits.

A.

The fees for permits for repairs to sidewalks and water/sewer lines with the erection of barricades shall be \$75 for an initial fee and \$50 per month thereafter.

B.

~~Permit fees for repairs to sidewalks and erection of barricades and~~ excavation of public streets shall be based upon the following schedule: Two dollars and fifty cents per square foot of final excavation up to 100 square feet, plus \$1.50 per square foot of final excavation over 100 square feet.

C.

Dumpster permits.

[Added 6-7-2012 by Ord. No. 3]

(1)

A dumpster permit is required of any dumpster or portable storage unit placed on residential or commercial property in the city right of way. This includes permanent dumpsters for businesses, temporary roll off dumpsters, and portable storage pods. If a temporary or roll-off dumpster is placed as part of a long-term remodeling project, it should be kept clean, in good repair and free of offensive odors. It should be cleaned a minimum of two times a year. (Additional cleaning may be required by the City.) Cleaning dumpsters on the street or sidewalk is not permitted.

(2)

The permit fee is \$50 for residential buildings with 3 or less units will be \$100 a month. All other residential and commercial buildings will be \$200 a month.

(3)

The dumper permit must be prominently displayed.

(4)

If a dumpster company places a dumpster on a property where there is no visible permit authorizing its placement, the dumpster company will be fined \$500. Dumpster companies will receive notification in writing, from the Director of Code Enforcement upon passage of this law. A list of notified companies will be kept.

Section 2. This Ordinance shall take effect 30 days after approval by the Council.

Approved as to form, August 10, 2016

Kevin P. Glasheen, Corporation Counsel

MEMO IN SUPPORT

The amendments proposed by this ordinance are intended to increase outdated fees, to clarify the fee provision relating to the excavation of public streets and to discourage the temporary placement of dumpsters for extended periods of time. A recurring problem in the City has been the presence of unsightly dumpsters and storage pods at various locations in the City supposedly on a temporary basis but which have remained in place for lengthy periods of time. Previously, a flat fee of \$50 was charged as a permit fee for the placement of a dumpster or storage pod which provided no economic incentive to remove a dumpster in an expeditious manner. Pursuant to this amendment, an increased fee will be charged on a monthly basis which hopefully will provide an economic incentive for parties utilizing dumpsters or storage pods on a temporary basis to make use of them as needed but also to remove them in an expeditious manner.

ORDINANCE AMENDING THE 2016 CITY BUDGET TO TRANSFER FUNDS
WITHIN THE GENERAL FUND BUDGET

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2016 General Fund budgets are herein amended and set forth in Schedule A entitled:

2016 General Fund Transfer

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form August 10th, 2016

Kevin Glasheen, Corporation Counsel

MEMO IN SUPPORT

Title: Ordinance amending the 2016 General Fund Budget appropriations.

Summary of Provisions: This legislation is being initiated by the Administration and will transfer funds from certain accounts to other accounts where the original budget allocations now appear to be insufficient.

Present Law: N/A

Purpose: The administration begins the process of building a budget the summer before the budget is due. The administration files the budget on October 1st and the City Council passes the budget in December. The several hundred expense categories contained in the 2016 budget are estimates of those expenses made in 2015 for 2016.

It is now deemed that certain allocations need to be increased to cover unanticipated expenses. Other budget lines will be adjusted to compensate for these increases.

Overall Budget Fiscal Impact: None.

SCHEDULE A
2016 General Fund Transfer

General Fund	Original * <u>Budget</u>	<u>Change</u>	Revised <u>Budget</u>
Taxes on Property A1950.0413	\$10,000.00	\$4,100.00	\$14,100.00 a)
Comptroller_Salaries A1315.0101	\$604,318.00	(\$4,100.00)	\$600,218.00
Insurance A1910.0406	\$265,000.00	\$50,000.00	\$315,000.00 b)
Facilities_Uilities-Gas & Electric A.1620.0401.0054	\$200,000.00	(\$30,000.00)	\$170,000.00
Facilities_Uilities-Telephone A.1620.0401.0053	\$406,700.00	(\$20,000.00)	\$386,700.00
Total General Fund Budget Expenditure Increase		<u><u>\$0.00</u></u>	

* or as previously revised

Footnote

- a) To adjust for under budgeted account for property taxes of outside municipalities.
- b) Insurance amounts came in much higher than anticipated.

**ORDINANCE APPROVING SETTLEMENT OF TAX CERTIORARI
PROCEEDINGS INSTITUTED BY CIFARELLI REAL ESTATE LLC ON THE
ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle tax certiorari proceeding instituted by the following taxpayer as provided in certain stipulation on file with the office of the Corporation Counsel:

PROPERTY OWNER	PARCEL NO.	ADDRESS
Cifarelli Real Estate LLC	80.78-1-5	341 Second Avenue
	80.78-1-4	349 Second Avenue
	80.78-1-3	353 Second Avenue
	80.78-1-2	357 Second Avenue

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to revise the 2015 and 2016 assessment rolls to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly, and the necessary refunds will be made to the property owner, if applicable.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, August 12, 2016

Kevin P. Glasheen, Corporation Counsel

MEMORANDUM IN SUPPORT

TAXPAYER: Cifarelli Real Estate LLC
 PROPERTY 80.78-1-5 341 Second Avenue
 80.78-1-4 349 Second Avenue
 80.78-1-3 353 Second Avenue
 80.78-1-2 357 Second Avenue
 ATTORNEY: Brett Williams, Jones Hacker Murphy, Troy

This is the former McDonald's restaurant that was converted into the 2010 auto sales lot in 2006. It consists of four lots with a total acreage of 1.3 acres and a 3,817 square foot building.

The aggregate assessed value of the four lots is \$492,000; the lot with the building is assessed at \$340,000.

The property was appraised for the City by Holden and Associates, which determined a preliminary value of \$285,000 for the four parcels. After negotiating with Petitioner's attorney, the parties agreed to an assessed value of \$300,000. Under the law, the reduction would apply to the 2016, 2017 and 2018 proceedings.

The following shows the refund liability for this proceeding.

Assessed Value	Revised Assessed Value	Total refund	City refund
\$492,000	\$300,000	\$7,568	\$2,319

**ORDINANCE AMENDING THE 2016 GENERAL FUND TO TRANSFER FUNDS
WITHIN THE GENERAL FUND BUDGET**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2016 GENERAL FUND BUDGET is herein amended as set forth in Schedule A entitled:

2016 GENERAL FUND TRANSFER

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form August 25th, 2016

Kevin Glasheen, Corporation Counsel

AYES: 9	
NOES: 0	
ABSTAIN:	
Troy City Clerk	Executive Action
Sent to Mayor _____	Approved _____ Date _____
Received from Mayor _____	Veto _____ Not Endorsed _____
City Clerk _____	Mayor _____

MEMO IN SUPPORT

Title: Ordinance amending 2016 General Fund Budget appropriations

Summary of Provisions: This legislation will amend the 2016 General Fund Budget to account for health and dental insurance expenditure that were appropriated at the time of the 2016 budget preparation but will be unused within the department allocated for in 2016. Therefore, this ordinance will appropriate these monies across the other departments.

Overall Budget Fiscal Impact: None.

**SCHEDULE A
General Fund Transfer**

**General Fund
September 2016 Budget Transfers**

General Fund	<u>Original *</u> <u>Budget</u>	<u>Change</u>	<u>Revised Budget</u>
Dental Insurance A.1210.0805.0016	4,201.00	7.97	4,208.97
Dental Insurance A.1315.0805.0016	13,742.00	26.08	13,768.08
Dental Insurance A.1320.0805.0016	1,145.00	(1,145.00)	-
Dental Insurance A.1325.0805.0016	2,673.00	5.07	2,678.07
Dental Insurance A.1345.0805.0016	1,145.00	2.17	1,147.17
Dental Insurance A.1355.0805.0016	2,673.00	5.07	2,678.07
Dental Insurance A.1410.0805.0016	2,673.00	5.07	2,678.07
Dental Insurance A.1420.0805.0016	5,346.00	10.14	5,356.14
Dental Insurance A.1430.0805.0016	2,289.00	4.34	2,293.34
Dental Insurance A.1440.0805.0016	3,440.00	6.53	3,446.53
Dental Insurance A.1490.0805.0016	2,387.00	4.53	2,391.53
Dental Insurance A.1620.0805.0016	8,018.00	15.21	8,033.21
Dental Insurance A.1640.0805.0016	5,729.00	10.87	5,739.87
Dental Insurance A.1680.0805.0016	3,440.00	6.53	3,446.53
Dental Insurance A.3120.0805.0016	166,021.00	315.04	166,336.04

Dental Insurance A.3320.0805.0016	2,295.00	4.35	2,299.35
Dental Insurance A.3410.0805.0016	133,201.00	252.76	133,453.76
Dental Insurance A.3620.0805.0016	11,069.00	21.00	11,090.00
Dental Insurance A.4020.0805.0016	2,289.00	4.34	2,293.34
Dental Insurance A.5110.0805.0016	17,959.00	34.08	17,993.08
Dental Insurance A.7150.0805.0016	12,608.00	23.92	12,631.92
Dental Insurance A.8020.0805.0016	5,729.00	10.87	5,739.87
Dental Insurance A.8022.0805.0016	2,673.00	5.07	2,678.07
Dental Insurance A.8160.0805.0016	17,959.00	34.08	17,993.08
Dental Insurance A.9065.0805.0016	173,846.00	329.88	174,175.88
Net Change	604,550.00	-	604,550.00

* or as previously revised
AMP

SCHEDULE A
General Fund Transfer

General Fund
September 2016 Budget Transfers

General Fund	Original * <u>Budget</u>	<u>Change</u>	Revised <u>Budget</u>
Health Insurance A.1210.0805	61,821.00	115.48	61,936.48
Health Insurance A.1315.0805	157,428.00	294.07	157,722.07
Health Insurance A.1320.0805	21,565.00	(21,565.00)	-
Health Insurance A.1325.0805	40,256.00	75.20	40,331.20
Health Insurance A.1345.0805	21,565.00	40.28	21,605.28
Health Insurance A.1355.0805	52,476.00	98.02	52,574.02
Health Insurance A.1410.0805	30,911.00	57.74	30,968.74
Health Insurance A.1420.0805	104,952.00	196.04	105,148.04
Health Insurance A.1430.0805	43,131.00	80.57	43,211.57
Health Insurance A.1440.0805	61,821.00	115.48	61,936.48
Health Insurance A.1490.0805	47,085.00	87.95	47,172.95
Health Insurance A.1620.0805	135,863.00	253.79	136,116.79

Health Insurance A.1640.0805	104,952.00	196.04	105,148.04
Health Insurance A.1680.0805	71,167.00	132.94	71,299.94
Health Insurance A.3120.0805	2,474,274.00	4,621.82	2,478,895.82
Health Insurance A.3320.0805	49,601.00	92.65	49,693.65
Health Insurance A.3410.0805	2,088,973.00	3,902.09	2,092,875.09
Health Insurance A.3620.0805	191,213.00	357.18	191,570.18
Health Insurance A.4020.0805	21,565.00	40.28	21,605.28
Health Insurance A.5110.0805	346,488.00	647.22	347,135.22
Health Insurance A.7150.0805	244,411.00	456.55	244,867.55
Health Insurance A.8020.0805	102,077.00	190.67	102,267.67
Health Insurance A.8022.0805	52,476.00	98.02	52,574.02
Health Insurance A.8160.0805	392,493.00	733.16	393,226.16
Health Insurance A.9060.0805	4,567,749.00	8,532.32	4,576,281.32
Health Insurance A.9060.0805.0091	80,000.00	149.44	80,149.44
Net Change	11,566,313.00	(0.00)	11,566,313.00

* or as previously revised
AMP

ORDINANCE AMENDING THE 2016 SPECIAL GRANTS FUND TO APPROPRIATE MONIES FOR BUILDING DEMOLITIONS

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2016 SPECIAL GRANTS FUND BUDGET is herein amended as set forth in Schedule A entitled:

2016 SPECIAL GRANTS FUND BUDGET AMENDMENT

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form August 29th, 2016

Kevin Glasheen, Corporation Counsel

AYES: 9
NOES: 0
ABSTAIN:

Troy City Clerk

Executive Action

Sent to Mayor _____

Approved _____ Date _____

Received from Mayor _____

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

MEMO IN SUPPORT

Title: Ordinance amending 2016 Special Grants Fund Budget appropriations

Summary of Provisions: On June 2, 2016 the Troy City Council passed Resolution 49 authorizing the Mayor to enter into an agreement with the Troy Land Bank relating to the demolition of deteriorated properties. This legislation appropriates the funds within the Special Grants Fund for this agreement in the amount of \$500,000.

Overall Budget Fiscal Impact: None.

SCHEDULE A
Special Grants Fund Budget Amendment

Special Grants Fund
September 2016 Budget Amendments

	<u>Original *</u> <u>Budget</u>	<u>Change</u>	<u>Revised</u> <u>Budget</u>
Revenues			
Gifts & Donations - Demolition Of Unsafe Buildings CD.1000.2705.80008.8315	-	500,000.00	500,000.00
Net Change	-	500,000.00	500,000.00
Expenditures			
Demolition Of Unsafe Buildings CD.2016.0200.8000.8315	-	500,000.00	500,000.00
Net Change	-	500,000.00	500,000.00

* or as previously revised
AMP

RESOLUTION APPOINTING COMMISSIONERS OF DEEDS FOR THE CITY OF TROY

BE IT RESOLVED, that the City Council hereby appoints the following person, as identified in the attached applications hereto and made a part hereof, Commissioners of Deeds for the City of Troy for a two-year term,

Saba U. Khater – 09/08/16-09/08/18
497-3rd Avenue Flr. #2
Troy, New York 12182

Approved as to form, August 4, 2016

Kevin P. Glasheen, Corporation Counsel

**RESOLUTION ADOPTING A NEGATIVE DECLARATION RELATING TO A
REZONING OF THE HILLSIDE/BEMAN PARK NEIGHBORHOOD FROM THE
CURRENT R-3 ZONING CLASSIFICATION TO AN R-2 ZONING CLASSIFICATION**

WHEREAS, the City Council has been considering a change in the zoning classification for the Hillside/Beman Park neighborhood from the current R-3 zoning classification to an R-2 classification; and

WHEREAS, the provisions State Environmental Quality Review Act ("SEQRA") generally requires the preparation of a Full Environmental Assessment Form in connection with a zoning change matter; and

WHEREAS, a Full Environmental Assessment Form ("EAF"), Parts 1 and 2, has been prepared and submitted to the City Council for its review and consideration; and

WHEREAS, the Council has also received additional extensive information relating to the proposed zoning change; and

WHEREAS, the Council also conducted a public hearing on July 20, 2016 regarding the zoning change and no negative environmental comments were received at said hearing; and

WHEREAS, the EAF was also posted on the Council website on July 25, 2016 and no negative environmental comments were received; and

WHEREAS, the EAF and related materials were also submitted to the County of Rensselaer for its review and comment and the County representative noted that the "downzoning of the neighborhood should provide an impetus for neighborhood preservation and improvement"; and

WHEREAS, the proposed zoning change will provide for a reduced intensity of use in the Hillside/Beman Park neighborhood; and

WHEREAS, the City Council has had a full opportunity to review the EAF and supplemental materials and has considered each and every potential environmental impact in accordance with SEQRA requirements; and

NOW, THEREFORE, BE IT RESOLVED, that the proposed change in zoning for the Hillside/Beman Park neighborhood from R-3 to R-2 will not have any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the City Council hereby adopts a Negative Declaration of environmental significance and authorizes the responsible officer to sign the negative declaration.

Approved as to Form, August 12, 2016

Kevin P. Glasheen, Corporation Counsel

MEMO IN SUPPORT

In connection with the consideration of zoning changes, the State Environmental Quality Review Act ("SEQRA") generally requires the preparation of a long form Full Environmental Assessment Form. For purposes of the proposed rezoning of the Hillside/Beman Park neighborhood rezoning from R-3 to R – 2, we have prepared a Full EAF for the Council's review and consideration in accordance with SEQRA requirements.

In addition to the EAF, the Council has also been provided with extensive back-up materials relating to the present configuration of the Hillside/Beman Park neighborhood and the desirability of changing the zoning from R-3 to R-2. Additionally, a public hearing was held on July 20, 2016 to provide persons with an opportunity to comment on positive or negative aspects of the proposed rezoning. There were no comments received that indicated any negative impact on the environment by reason of the rezoning. The EAF was also posted on the Council website in its entirety for people to review and comment if they so desired. No comments have been received. We also provided the EAF and other supporting materials to the Rensselaer County Department of Economic Development and Planning on July 10, 2016 as required by the General City Law. The County provided its response in which it stated that "the downzoning of the neighborhoods should provide an impetus for neighborhood preservation and improvement".

Based on the contents of the EAF, the information provided in support of the rezoning of the Hillside/Beman Park neighborhood and the absence of any negative commentary regarding the environment, there appears to be a solid basis for a negative declaration of environmental significance by the City Council.

RECEIVED

JUL 20 2016

PLANNING DEPT

RCBP # 16-83

Returned by Municipality _____

NOTIFICATION OF ZONING REVIEW ACTION

TO: Kevin Glasheen MUNICIPALITY: Troy

APPLICANT: City of Troy

SUBJECT: Zoning Map Amendment

LOCATION: Beman Park/Hillside Neighborhoods

Project Description: City proposes changing zoning in two neighborhoods from R-3 to R-2 in keeping with the land uses presently in existence.

Please be advised that the Rensselaer County Bureau of Economic Development and Planning has acted on the above subject as follows:

After having carefully reviewed the information submitted as part of the subject referral, the Bureau of Economic Development and Planning has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail.

The downzoning of the neighborhoods should provide an impetus for neighborhood preservation and improvement.

Please return a report of the final action you have taken to the Bureau of Economic Development and Planning. This report is due within seven days after the final action. If your action is contrary to the recommendation of the County Bureau of Economic Development and Planning, Section 239-m of Article 12-B requires the adoption of a resolution fully setting forth the reasons for such contrary action.

Date 7/21/16



ROBERT L. PASINELLA, JR, DIRECTOR
Economic Development and Planning
1600 Seventh Avenue
Troy, New York 12180
(518) 270-2914

Return within 7 days of final action to:

Rensselaer County Bureau of Planning
County Office Building
Troy, New York 12180

REPORT OF FINAL ACTION

FROM: Municipality: Troy

Local Action Legislative Body
 Board of Appeals
 Planning Board

APPLICANT: City of Troy
433 River Street
Troy, NY 12180

ACTION REQUESTED: Comprehensive Plan Special Permit
 New Ordinance Area Variance
 Zoning Map Amendment Use Variance
 Zoning Text Amendment Site Plan Review
 Other _____

COUNTY ACTION: Local Consideration
 Approval
 Approval with Modifications
 Disapproval

LOCAL ACTION: Approval
 Approval with Modification
 Disapproval

DATE OF LOCAL ACTION: _____

If local action is contrary to the recommendation of the County Planning Bureau, Section 239-m of Article 12-B requires adoption of a resolution fully setting forth the reasons for such contrary action.

RESOLUTION BY THE TROY CITY COUNCIL APPROVING AND ENDORSING THE CITY OF TROY, NY IN ITS APPLICATION TO THE GREENWAY CONSERVANCY FOR THE HUDSON RIVER VALLEY FOR FUNDING UNDER THE HUDSON RIVER VALLEY GREENWAY GRANT PROGRAM FOR THE UNCLE SAM BIKEWAY

WHEREAS, the City of Troy is applying to the Greenway Conservancy for the Hudson River Valley for a grant under the 2016 Hudson River Valley Greenway Grant Program; and

WHEREAS, the application requests funding to undertake improvements to the Uncle Sam Bikeway in Troy, NY; and

WHEREAS, the application requires that the applicant obtain the approval/ endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED that the Troy City Council of the City of Troy, NY approves and endorses the application for a grant under the 2016 Hudson River Valley Greenway Grant Program for Uncle Sam Bikeway improvements to be submitted by the City of Troy in an amount not to exceed the maximum award amount of forty thousand dollars (\$40,000) and, upon such approval of said request to enter into and execute a project agreement with the Greenway Conservancy for the Hudson River Valley or the applicable party for such financial assistance to the City of Troy, NY.

Approved as to form, August 8, 2016

Kevin P. Glasheen, Corporation Counsel

Whereas, the _____ (municipality) is applying to the Hudson River Valley Greenway for a grant under the 2016 Greenway Conservancy Trail Grant Program for a project entitled _____ (project name) to be located in _____ (town/village or city),

Whereas, the grant application requires the applicant municipality to obtain the approval /endorsement of the governing body of the municipality or municipalities in which the project will be located;

Now, Therefore, be it resolved that the governing board of _____ (municipality) hereby does approve and endorse the application for a grant under the 2016 Greenway Conservancy Small Grant Program, for a project known as _____ (project name) and located within this community.

Date of Adoption

Name of Municipal Clerk

Signature

Memo In Support

The Greenway Conservancy for the Hudson River Valley [Greenway Conservancy] is a public benefit corporation that was established in part to facilitate and support the creation of the Hudson River Valley Greenway Trail System, a trail network that provides physical and visual access to the Hudson River where possible, from New York City to the Capital Region. In addition, the Greenway Conservancy encourages the development of trails that link to the Greenway Trail System and major trail corridors, forming a larger, regional trail network. Through these carefully planned trail linkages and access points, the Greenway Conservancy seeks to promote and preserve the Hudson Valley's recreational, scenic, natural, cultural, historic and agricultural resources.

The Greenway Conservancy administers an annual grant program that offers financial assistance to municipalities and not-for-profits up to \$40,000. The activities that qualify for funding by the Greenway Conservancy include construction of trail segments and trail linkages, rehabilitation/improvement projects, and education and interpretation projects. The City of Troy intends to apply for a Greenway Conservancy grant in an amount up to \$40,000 to be utilized for the construction of trail amenities and improvements along the Uncle Sam Bikeway, including but not exclusive to: signage, lighting, drainage and surface upgrades. The grant application requires the City to obtain the approval and endorsement of the governing body of the municipality in which the project is located. This resolution approves, endorses and authorizes the City to apply for a Greenway Conservancy grant in an amount up to \$40,000, and if such grant is awarded, to execute the necessary agreement(s) to receive such assistance. The City is hopeful that it will be able to secure additional funds to make further improvements to the Uncle Sam Bikeway to help reverse the deterioration that had affected the Bikeway.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT WITH NATIONAL GRID RELATING TO THE INGALLS AVENUE BOAT LAUNCH PROJECT

WHEREAS, the City of Troy ("City") has been proceeding with a project to install a boat launch area and other related amenities on the Hudson River at the foot of Ingalls Avenue; and

WHEREAS, the project is entitled the Ingalls Avenue Boat Launch Project and involves the installation of various docking facilities as well as upland improvements; and

WHEREAS, one phase of the implementation of the project involves an environmental remediation project to be done by National Grid utilizing its own environmental contractor and at its own cost and expense in accordance with a NYSDEC consent order; and

WHEREAS, in order to conduct the environmental remediation project within the Boat Launch Project area, National Grid needs to have access to City-owned property at the Project site; and

WHEREAS, National Grid's access to City-owned property will be granted pursuant to a temporary license agreement between the City and National Grid; and

NOW, THEREFORE, BE IT RESOLVED THAT THE Mayor is hereby authorized to finalize and execute a Temporary License Agreement Permitting Entry On Property to National Grid substantially in the form of the agreement attached hereto.

Approved as to Form, August 11, 2016

Kevin P. Glasheen, Corporation Counsel

MEMO IN SUPPORT

The Ingalls Avenue Boat Launch Project is continuing to progress. As you may recall, a Corps of Engineers permit was obtained to permit the performance of work along the shoreline. This resolution relates to another phase of the project. A portion of the Project area contains some manufactured gas plant residual material that is subject to remediation in accordance with a DEC Consent Order with National Grid.

Recently, the City met with representatives of National Grid to deal with the necessary environmental remediation at the site which is an important component for the development of the site. National Grid will conduct the environmental remediation at the site utilizing its own contractor(s) who are highly experienced in conducting such activities. The remediation activities will be conducted at National Grid's cost and expense and in accordance with the provisions of the applicable DEC Consent Order.

In order to conduct such remediation activities, it is necessary for National Grid to access City-owned property at the project site. The grant of such access is accomplished by way of a Temporary License Agreement that will permit National Grid to enter onto the City-owned property to accomplish the DEC mandated remediation measures. As the environmental remediation of the property is an important element in the development of the Ingalls Avenue Boat Launch project, it is recommended that this resolution be approved by the Council.

TEMPORARY LICENSE AGREEMENT PERMITTING ENTRY ON PROPERTY

AN AGREEMENT ("Agreement"), entered into this _____ day of _____, 2016 by and between **NIAGARA MOHAWK POWER CORPORATION**, doing business as **NATIONAL GRID**, a corporation organized and existing under the laws of the State of New York, having its principal place of business at 300 Erie Boulevard West Syracuse, New York, 13202, hereinafter referred to as "**LICENSEE**", and **THE CITY OF TROY** having a place of business at 433 River Street, Suite 5001, Troy, New York, 12180, hereinafter referred to as "**LICENSOR**".

WHEREAS, **LICENSOR** is the owner of certain real property in the City of Troy, County of Rensselaer, State of New York (hereinafter referred to as the "Property") and is further identified as the Boat Dock Launch area and the area north of Ingalls Ave.; and

WHEREAS, **LICENSEE** has entered into a Consent Agreement with the New York State Department of Environmental Conservation (hereinafter referred to as "NYSDEC") that contemplates investigation of contamination on or around the Property; and

WHEREAS, **LICENSEE** has requested permission to enter and perform certain activities upon the Property; and

WHEREAS, **LICENSOR** is willing to grant temporary license for such entry and activities, subject to the terms and conditions hereinafter set forth;

NOW, THEREFOR, the parties hereto, without admitting any issues of fact or law or any liability or responsibility, agree as follows:

- 1) **LICENSOR** represents and warrants to **LICENSEE** it is the sole owner of record of the Property. This provision shall survive expiration or termination of this Agreement.
- 2) That **LICENSOR**, in consideration of **ONE DOLLAR (\$1.00)** and the covenants herein, has granted and does hereby grant a temporary license and permit to **LICENSEE**, its employees, agents, representatives, independent contractors, and invitees to enter and perform activities upon the Property for the purpose of investigating the (background concentration and the) existence, nature, quantity, extent, condition, and location of contamination on the Property, consistent with the Work Plan described in Paragraph 3., below including, without limitation, the right to perform activities consistent with the "Record of Decision, NM- Troy Smith Ave. MGP, Operable Unit Numbers: 02, 03, Ingalls Avenue Purifier Waste, Hudson River Sediments, Troy, Rensselaer County, Site No. 442030, March 2011", (the "ROD"), (hereinafter collectively the "Work") including but not limited to: inspecting, investigating and photographing the Property; collecting surface and subsurface soil samples, including borings and sediment samples; collecting surface water, groundwater, and wastewater samples; transporting equipment, including trucks and sampling equipment, onto the Property for the purpose of conducting this work; related remediation activities; and setting up and maintaining sampling and other equipment on the Property for the purpose of conducting this Work. **LICENSOR** grants **LICENSEE** the right to remove from the Property samples taken in the course of conducting this Work.
- 3) All Work performed by **LICENSEE** and/or its agents upon the Property shall be done consistent with the ROD approved by NYSDEC, as modified from time to

time at NYSDEC's direction or with NYSDEC's approval. However, no unintentional failure of **LICENSEE** to perform the Work consistent with the ROD shall create any claim or cause of action in **LICENSOR** against **LICENSEE**.

- 4) This License shall become effective on the ____ day of _____, 2016 and shall terminate on January 1, 2021 ("Term"). **LICENSEE** shall have the right to terminate this Agreement upon completion, determined by **LICENSEE'S** sole discretion, of the Work which termination will become effective upon written notice to **LICENSOR**. The Term may be extended for a period of time to be determined by **LICENSOR** should **LICENSEE** request to perform additional investigation. Notwithstanding the foregoing, however, **LICENSOR** grants to **LICENSEE** the right to enter the Property at reasonable times after the termination of this license to the extent necessary to maintain and gather data and/or samples from sampling and other equipment left on the Property pursuant to the ROD. Upon termination or expiration of the Term, this Agreement shall be of no further force and effect, except for those provisions that expressly survive such expiration or termination.
- 5) It is understood and agreed that no vested right in the Property is hereby granted or conveyed, and that the license hereby given is subject to any and all encumbrances, conditions, restrictions, and reservations upon or under which **LICENSOR** holds the Property. **LICENSOR** agrees to apprise **LICENSEE** of any such encumbrances, conditions, restrictions, and reservations at the earliest possible time, but in any event, before **LICENSEE'S** entry upon the Property.
- 6) **LICENSEE** will indemnify and save harmless **LICENSOR** against all loss, damage, or injury to property or persons caused by the negligence of

LICENSEE, its employees, agents, representatives, independent contractors, and invitees during their entry or presence upon the Property pursuant to this license. However, in no event will LICENSEE be liable for consequential, incidental, indirect, or exemplary damages.

- 7) LICENSOR agrees that it will not take, or cause to be taken, any action that will interfere with or adversely affect LICENSEE'S Work on the Property.
- 8) Upon completion of the Work, LICENSEE shall, to the extent practicable, restore the Property to a condition consistent with that which existed prior to LICENSEE'S entry pursuant to this license upon LICENSOR'S property. Provided, however, that any monitoring wells installed may remain in place for monitoring/sampling.
- 9) The rights, privileges, duties, and obligations of the parties hereto under this Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of said parties, respectively. This Agreement is solely for benefit of said parties and their successors and assigns and may not be enforced by nor shall it be construed for the benefit of, any third party.
- 10) This Agreement, attached hereto and made a part hereof, contains the sole and entire Agreement between the parties, and cannot be altered or amended except by the written consent of both parties with reference to this Agreement.
- 11) Notwithstanding any provisions to the contrary in this Agreement, neither party hereto shall waive any privilege or any other defenses that it may have based upon any information, oral or otherwise, disclosed, revealed, given to either party

by the other, or otherwise made known, as a result of the activities arising from this Agreement.

- 12) Except as provided in Paragraphs 3 and 6 above, nothing in this Agreement in any way estops, bars, or otherwise prevents the parties hereto from asserting any and all claims against each other or against any third party regarding the environmental conditions on or around the Property, and nothing herein shall be construed as a waiver of any cause of action, claim, demand, or defense the parties hereto might otherwise have under statutory law, common law, or otherwise against each other or against any third party.
- 13) **LICENSOR** represents to **LICENSEE** that the execution, acknowledgement and delivery of this Agreement and the performance of its obligations hereunder have been duly authorized by **LICENSOR** and that the person signing has the authority to sign and deliver this Agreement on **LICENSOR'S** behalf and thereby bind **LICENSOR** to the same. **LICENSEE** represents to **LICENSOR** that the execution, acknowledgement and delivery of this Agreement and the performance of its obligations hereunder have been duly authorized by **LICENSEE** and that the person signing has the authority to sign and deliver this Agreement on its behalf and thereby bind **LICENSEE** to the same.
- 14) Prior to the commencement of the Work, a Certificate of Insurance from National Grid and all of National Grid's contractors, that perform activities on the Property pursuant to this Agreement, shall be furnished to **LICENSEE**. **LICENSEE** and all affiliated entities, including their direct and indirect members and partners, and their respective directors, officers, employees, agents and shareholders shall be named as additional insured on the following policies: (i) Commercial General

Liability Insurance policy on an occurrence form, in an amount not less than One Million Dollars (\$1,000,000) each occurrence and Two Million Dollars (\$2,000,000) general annual aggregate with bodily injury and property damage coverage; (ii) Automobile Liability Insurance of an amount at least equal to \$1,000,000 for each accident with coverage for owned, hired and non-owned vehicles; (iii) Workers Compensation Insurance in the statutory amount and with a limit of \$1,000,000 each accident; and (iv) Umbrella Liability Coverage of not less than Three Million Dollars (\$3,000,000) each occurrence and annual aggregate on a form following basis. All coverages provided hereunder will be primary and non-contributory and National Grid shall maintain all of the foregoing insurance coverage in force until the end of the term of the agreement.

National Grid reserves the right to self-insure one or more of its coverages. Insurance as specified herein must be maintained at all times during the Term of this Agreement.

- 15) In case one or more of the provisions contained in the Agreement, or any application thereof, shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.
- 16) During the Term of this Agreement, **LICENSOR** shall notify **LICENSEE** in advance as promptly as practicable of the proposed transfer or sale of all or any part of the Property.
- 17) This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first written above.

LICENSOR:

City of Troy

LICENSEE:

Niagara Mohawk Power Corporation

d/b/a National Grid

By: _____

By: _____

Name: _____

Name: _____

Its: _____

Its: _____

RESOLUTION BY THE TROY CITY COUNCIL APPROVING AND ENDORSING THE CITY OF TROY, NY IN ITS APPLICATION TO THE EMPIRE STATE DEVELOPMENT CORPORATION FOR FUNDING UNDER THE RESTORE NY COMMUNITIES INITIATIVE GRANT PROGRAM FOR THE AMERICAN THEATER

WHEREAS, the City of Troy is applying to the Empire State Development Corporation for a grant under the Restore NY Communities Initiative;

WHEREAS, the application requests funding to undertake renovations which may include deconstruction, rehabilitation and/or reconstruction to the American Theater at 285 River Street and the area surrounding this building;

WHEREAS, Troy is partnering with a local developer which intends to deconstruct (but not demolish), rehab and/or reconstruct the American Theater and intends to provide the match funding for the project;

WHEREAS, the application requires that the applicant pass a resolution finding that the proposed project is consistent with the municipality's local revitalization or urban development plan; that the proposed financing is appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

NOW, THEREFORE, BE IT RESOLVED that the Troy City Council of the City of Troy, NY finds that the proposed project is consistent with the municipality's local revitalization or urban development plan; that the proposed financing is appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable; and

BE IT FURTHER RESOLVED, that the Troy City Council approves and endorses the application for a grant under the 2016 Restore NY Communities Initiative for renovations to the American Theater and the area surrounding this building to be submitted by the City of Troy in an amount not to exceed the maximum award amount of one million dollars (\$1,000,000); and

BE IT FURTHER RESOLVED, that upon such approval of said request the Mayor is authorized to enter into and execute a project agreement with the Empire State Development Corporation or the applicable party for such financial assistance to the City of Troy, NY.

Approved as to form, August 15, 2016

Kevin P. Glasheen, Corporation Counsel

Memo In Support

2016 Restore New York's Communities Initiative for the American Theater

From the Grant application:

"The 2015-16 State Budget enacted the Restore New York's Communities Initiative and gave Empire State Development Corporation the responsibility of implementing this program for the sole purpose of revitalizing urban areas and stabilizing neighborhoods. Municipalities, defined as cities, towns and villages, are invited to submit a Request for Funding Proposal for projects to demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties. Additionally, funds can be used for site development needs related to the project including, but not limited to water, sewer and parking. Projects should be architecturally consistent with nearby and adjacent properties or in a manner consistent with the municipality's local revitalization or urban development plan. The goal of Restore NY is to revitalize urban centers. It is anticipated that upon completion, the projects funded by Restore NY grants will attract individuals, families, industry and commercial enterprises to the municipality. It is further anticipated that the improved community and business climate will result in an increased tax base thereby improving municipal finances and the wherewithal to further grow the municipality's tax and resource base and lessen its dependence on state aid."

The City of Troy intends to apply for a Restore New York's Communities Initiative grant in an amount up to \$1,000,000 to be utilized for rehabilitation of the American Theater at 285 River Street, Troy. The estimated total project cost is \$3,000,000. Troy is partnering with a local developer which intends to deconstruct (but not demolish), rehab and/or reconstruct the American Theater and intends to provide the match funding for the project (no less than 10% of the award amount is required for match).

The grant application requires that the City obtain the approval and endorsement of the governing body of the municipality in which the project is located including finding that the proposed project is consistent with the municipality's local revitalization or urban development plan; that the proposed financing is appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

This resolution approves, endorses and authorizes the City to apply for a Restore New York's Communities Initiative grant in an amount up to \$1,000,000, and if such grant is awarded, to execute the necessary agreement(s) to receive such assistance. Further, this resolution finds that the proposed project is consistent with the municipality's local revitalization or urban development plan; that the proposed financing is appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

In the event, that the City is successful in obtaining a grant under this initiative, the grant will facilitate the rehabilitation of an architecturally important building in Downtown Troy and the immediate area. Accordingly, Council approval of this resolution is recommended.

**RESOLUTION AUTHORIZING ISSUANCE OF A COMMERCIAL LESSOR'S BINGO LICENSE TO
BINGO GREEN, INC., D/B/A "TROY ATRIUM BINGO"**

WHEREAS, Troy Atrium Bingo D.B.A. Bingo Green Inc., has, pursuant to the General Municipal Law, filed an application asking that the City issue a commercial lessor's Bingo license; and

WHEREAS, it appears that Troy Atrium Bingo, has satisfied all the requirements to have a commercial lessor's bingo license issued to it.

NOW THEREFORE, IT IS DETERMINED THAT, there exists a public need, and public advantage will be served by the issuance of a commercial lessor's bingo license to said licensee; and

IT IS FURTHER RESOLVED, that the City Clerk of the City of Troy on behalf of the City Council of the City of Troy shall issue a commercial lessor's bingo license to Troy Atrium Bingo, permitting it to lease space to qualified organizations to conduct bingo games within the City of Troy, as more particularly set forth in its application file requesting such a license issue, all in compliance with and under the restrictions contained in the General Municipal Law of the State of New York; and

IT IS FURTHER RESOLVED, that said license shall be valid for a period of not more than one year from the date of its first issuance; and

IT IS FURTHER RESOLVED, that if at the end of the licensed period Troy Atrium Bingo. shall decide to apply for a renewal of its license, said renewal application shall come before the City Council for renewal and shall not be issued merely upon the approval of the City Bingo Inspector.

Approved as to form, August 29, 2016

Kevin P. Glasheen, Esq. Corporation Counsel

AYES: 9	
NOES: 0	
ABSTAIN:	
Troy City Clerk	Executive Action
Sent to Mayor _____	Approved _____ Date _____
Received from Mayor _____	Veto _____ Not Endorsed _____
City Clerk _____	Mayor _____

Resolution Recommending Inclusion of the City Council's Corrective Action Plan (CAP) in the Mayor's Proposed 2017 Budget

WHEREAS, the Office of the NYS Comptroller in November of 2015 and February of 2016 issued critical financial reports regarding the City of Troy, NY; and

WHEREAS, the Troy City Council, as required by State Law, adopted and accepted a Corrective Action Plan (CAP) regarding said reports; and

WHEREAS, said CAP was submitted by the City Council to the Office of NYS Comptroller in May 2016; and

WHEREAS, the CAP pertained solely to matter under the responsibility of the Troy City Council; and

WHEREAS, certain aspects of the CAP have been or are being adopted; and

WHEREAS, the Troy City Council recommends the duly adopted CAP be included as part of the Mayor's proposed 2017 budget; and

WHEREAS, numerous suggestions regarding the CAP, if implemented, will help the City raise revenues, keep costs down, and provide an overall more effective city government; and

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby recommends the following:

- 1) Revenue estimates from the sale of any real property exceeding \$100,000 be based on a signed contract with a closing date in 2017.
- 2) Revenue estimates from franchise fees must be based on signed agreements.
- 3) Revenue estimates from sales tax must be based on conservative and realistic analysis pursuant to the existing agreement with Rensselaer County.
- 4) All current fees for permits and other related matters should be reviewed and updated.
- 5) A public safety fee for private colleges should be negotiated based upon police and fire services provided.
- 6) Overtime and consultants should be reduced by ten percent from the current fiscal year.
- 7) A cost savings plan should be developed by sharing services with Rensselaer County and Hudson Valley Community College (HVCC)

- 8) A cost revenue analysis should be done to determine whether the City should consider leasing out the golf operations at the Frear Park Golf Course.
- 9) Do a cost-benefit analysis for the city run ambulance service.
- 10) Expenditures for future pension costs should be based on realistic estimates provided by the NYS Comptroller each year.
- 11) A realistic multi-year capital plan should be developed for 2017 and periodically updated.
- 12) A reserve fund should be established for future Combined Sewer Overflow (CSO) expenditures.
- 13) A reasonable allocation for contingencies should be included in the 2017 budget.
(Per NYS Comptroller's formula)
- 14) A costs savings hiring freeze for the first six months of 2017, which should be implemented and reevaluated. The Mayor may certify to the Council that a particular position is essential and needs to be filled within that six month period.
- 15) All non-reimbursable expenses in each and every City Department should be cut five percent.
- 16) Perform a cost benefit analysis for city run entities that generate significant revenue.

BE IT FURTHER, RESOLVED, that any request to exceed the tax cap for 2017 should be based on a demonstrated effort to include the City Council's CAP as set forth in this resolution.

Approved as to form, September 6, 2016

Kevin P. Glasheen, Corporation Counsel

AYES: 9
NOES: 0
ABSTAIN:

Troy City Clerk

Executive Action

Sent to Mayor _____

Approved _____ Date _____

Received from Mayor _____

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____