

TROY CITY COUNCIL AGENDA
REGULAR MEETING
October 6, 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

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.

ORDINANCES

58. Ordinance Amending The 2016 General Fund To Transfer Funds Within The Water Fund Budget And The Sewer Fund Budget. (Council President Mantello) (At The Request Of The Administration)

59. Ordinance Amending The Zoning Map Of The City Of Troy Pursuant To §285-49 Of The Troy City Code To Provide For The Rezoning Of An Area Commonly Known As The Hillside And Beman Park Neighborhoods From Their Current R-3 Zoning District Classification To An R-2 Zoning District Classification. (Council Member Bodnar)

67. Ordinance Authorizing And Directing The Reconveyance Of City-Owned Real Property. (Council President Mantello) (At The Request of The Administration)

68. Ordinance Authorizing And Directing The Reconveyance Of City-Owned Real Property. (Council President Mantello) (At The Request of The Administration)

69. Ordinance Authorizing Settlement Of Claim, To Wit: Patrick M. Hussey V. City Of Troy, Donald C. Marble, Ryan Davis And Jeremy Morris, Index No.: 253967. (Council President Mantello) (At The Request of The Administration)

70. Ordinance Authorizing And Directing Sales By The Proposal Sale Method Of City-Owned Real Properties. (Council President Mantello) (At The Request of The Administration)

71. Ordinance To Amend The Code Of The City Of Troy, Chapter 83, Property, City Owned, Article I, Surplus City Property. (Council Member McGrath, Council President Mantello) (At The Request of The Administration)

RESOLUTIONS

90. Resolution Authorizing The Mayor To Enter Into A Memorandum Of Understanding With The Friends Of The Col. Albert Pawling Memorial Park. (Council President Mantello) (At the Request of the Administration)

93. Resolution ending the Temporary Moratorium on the conveyances of City-owned surplus real estate parcels. (Council Member McGrath, Council President Mantello) (At the Request of the Administration)

TABLED LEGISLATION 2016

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**

61. Ordinance Amending The Code Of The City Of Troy, Chapter 247: Solid Waste. (Council President Mantello) (At the Request of the Administration) **Tabled at 9-8-16 meeting**

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 – 47 (F); § 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 (F) 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

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

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

Section 1. The City of Troy 2016 WATER FUND BUDGET and SEWER FUND BUDGET are herein amended as set forth in Schedule A entitled:

2016 DEPARTMENT OF PUBLIC UTILITIES 2016 BUDGET TRANSFERS

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as from September 7th, 2016

Kevin Glasheen, Corporation Counsel

MEMO IN SUPPORT

Title: Ordinance amending 2016 Department Of Public Utilities budgets appropriations

Summary of Provisions: This legislation will amend the 2016 Water Fund Budget and the 2016 Sewer Fund Budget to account overages in certain accounts. Please see attached memo from the Superintendent of Public Utilities for further explanation.

Overall Budget Fiscal Impact: None.

THE CITY OF TROY



INTER-OFFICE MEMORANDUM

To: Andrew Piotrowski, Deputy Comptroller

From: Chris Wheland, Superintendent of Public Utilities

Subject: October 2016 Transfers

Date: September 7, 2016

There are multiple transfers required for October to properly allocated funds. Some are due to negative available balances, others are to complete projects and promote planning for the upcoming winter.

The minimal transfers are associated with Uniforms and Out of Grade Pay. Uniforms are required through CSEA agreement. The Out of Grade Pay in central garage is to pay the difference of an employee who was temporarily demoted but is needed to complete duties of his original position. The Out of Grade for purification is to compensate an employee that fulfilled the duties of his supervisor while the supervisor was out due to medical issues.

All accounts for Vehicle Parts, Repairs or Repairs to Equipment are to increase accounts in anticipation of preparing for winter equipment (snowplows, salters, etc). Other Equipment is to purchase a new tow behind air compressor, and tailgate mounted roller. Our current equipment is unreliable.

Consultant Service in transmission is to allow for continuing projects and the process of engineering a new 36" water main on 5th avenue to replace the 33" main that ruptured. All funds spent on replacing the 33" water main are reimbursable through the state grant. But we can't use the grant until closing at the end of September.

Sanitary Sewers is in need of increased funds for Material and Supplies. This covers all quarterly blanket purchase orders and bulk items such as pipe and fittings. Workers Compensation is estimated every budget season but often requires adjustment due to injuries on the job.

Insurance accounts were found to be negative and expected costs were calculated to get through the end of the year.

If you have other questions please let me know.

Cc: Patrick Madden, Mayor
Monica Kurzejeski, Deputy Mayor

9/7/2016

**CITY OF TROY
DEPARTMENT OF PUBLIC UTILITIES
2016 BUDGET TRANSFERS
September City Council Meeting**

FROM

TO

Water Department							
Bureau	Account From	Name	Amount	Bureau	Account To	Name	Amount
Central Garage	F-1640-0101	Salaries Permanent	\$ 4,000	Central Garage	F-1640-0113	Out of Grade	\$ 4,000
Central Garage	F-1640-0203	Other Equipment	\$ 20,000	Central Garage	F-1640-0304-0056	Vehicle Expense gas	\$ 20,000
Administration	F-8310-0201-0030	Meter Equipment	\$ 10,000	Central Garage	F-1640-0304-0057	Vehicle Parts	\$ 5,000
Administration	F-8310-0404-0068	Repairs Equipment	\$ 5,000	Central Garage	F-1640-0304-0058	Vehicle Repairs	\$ 10,000
Pumping Station	F-8320-0401-0054	Utilities	\$ 42,900	Administration	F-8310-0406	Admin Insurance	\$ 10,000
Purification	F-8330-0203	Other Equipment	\$ 10,000	Purification	F-8330-0113	Out of Grade	\$ 900
Purification	F-8330-303	Other Materials	\$ 50,000	Purification	F-8330-0423	Uniforms	\$ 10,000
Purification	F-8330-0409	Consultant Service	\$ 10,000	Transmission	F-8340-0203	Other equipment	\$ 20,000
Transmission	F-8340-0303	Other Material	\$ 28,000	Transmission	F-8340-0409	Consultant Services	\$ 100,000

Water Fund Total From \$ 179,900

Water Fund Total To \$ 179,900
9/7/2016

Sewer Department

Bureau	Account From	Name	Amount	Bureau	Account To	Name	Amount
Sanitary Sewer	G-8120-203	Other Equipment	\$ 10,000	Sanitary Sewer	G-8120-303	Other Mat and Sup	\$ 30,000
Sanitary Sewer	G-8120-0401-0054	Utilities	\$ 5,000	Sanitary Sewers	G-8120-0404-0068	Repairs Equipment	\$ 5,000
Sanitary Sewer	G-8120-0417	Judgme & Claim	\$ 30,000	Sanitary Sewers	G-8120-0406	Insurance	\$ 5,000
Sewer Fund Total From			\$ 45,000	Sewer Fund Total To			\$ 45,000

Water Fund To Account Totals

\$ 179,900

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF TROY PURSUANT TO § 285-49 OF THE TROY CITY CODE TO PROVIDE FOR THE REZONING OF AN AREA COMMONLY KNOWN AS THE HILLSIDE AND BEMAN PARK NEIGHBORHOODS FROM THEIR CURRENT R-3 ZONING DISTRICT CLASSIFICATION TO AN R-2 ZONING DISTRICT CLASSIFICATION

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

Section 1. This Ordinance shall affect the area of the City of Troy commonly known and referred to as the Hillside and Beman Park Neighborhoods generally encompassing an area, as depicted on the City of Troy Official Zoning Map, a relevant portion of which is attached to this Ordinance, bounded on the North by the Hoosick Street Commerce District; on the South by Peoples Avenue; on the West by 8th Street including a group of residential parcels located on the west side of 8th Street extending from the intersection of 8th Street and Hutton Street in a northerly direction to the boundary of the Hoosick Street Commerce District, and; on the East by 17th Street including a group of residential parcels located on the east side of 17th Street extending from a point to the north of the intersection of 17th Street and Hutton Street in a northerly direction to the boundary of the Hoosick Street Commerce District, all as depicted on the City of Troy Official Zoning Map with such area currently zoned as an R – 3 Multiple-Family Residential, Medium-Density District.

Section 2. The above described area as shown of the City of Troy Official Zoning Map shall have its zoning district classification changed from R-3 Multiple-Family Residential, Medium-Density District to an R – 2 Two-Family Residential District .

Section 3. All existing multiple family buildings containing three or more dwelling units and existing lots containing three or more dwelling units in the aforesaid area shall be considered for zoning purposes as conforming uses and lots.

Section 4. The above described change in zoning classification from R-3 Multiple-Family Residential, Medium-Density District to an R – 2 Two-Family Residential District shall be so delineated on the City of Troy Official Zoning Map by the Department of Planning and Economic Development.

Section 5. This ordinance shall take effect immediately.

Approved As to Form, September 9, 2016

Kevin P. Glasheen, Corporation Counsel

Memo in Support

In the past year, Councilman Dean Bodnar has served as a sponsor for City Council legislation on behalf of the residents of the Hillside and Beman Park neighborhoods in connection with a request for a change in the zoning of these neighborhoods. These neighborhoods are located between Eighth Street on the west, Seventeenth Street on the east, Peoples Avenue on the south and Hoosick Street Commerce District on the north. This area encompasses approximately 36 City blocks.

Within this area, there are 133 one-family residences which comprise 31% of the homes in the area. There are 259 two-family homes which comprise 61% of the homes in the area. Finally, there are 33 homes that are three-family structures comprising 8% of the homes in these neighborhoods.

The area is currently zoned R-3, Multiple-Family Residential, Medium Density. The current zoning allows for the transition from lower density, large lot one and two-family residences to various types of residences including low-rise medium density apartment houses. Given the preponderance of single and two-family residences, the sponsor and residents believe that a zoning of R-2 Two-Family Residential is a more appropriate zoning classification that will help to maintain the stability of the neighborhood and therefore request a change in the zoning of the area from R-3 to R-2.

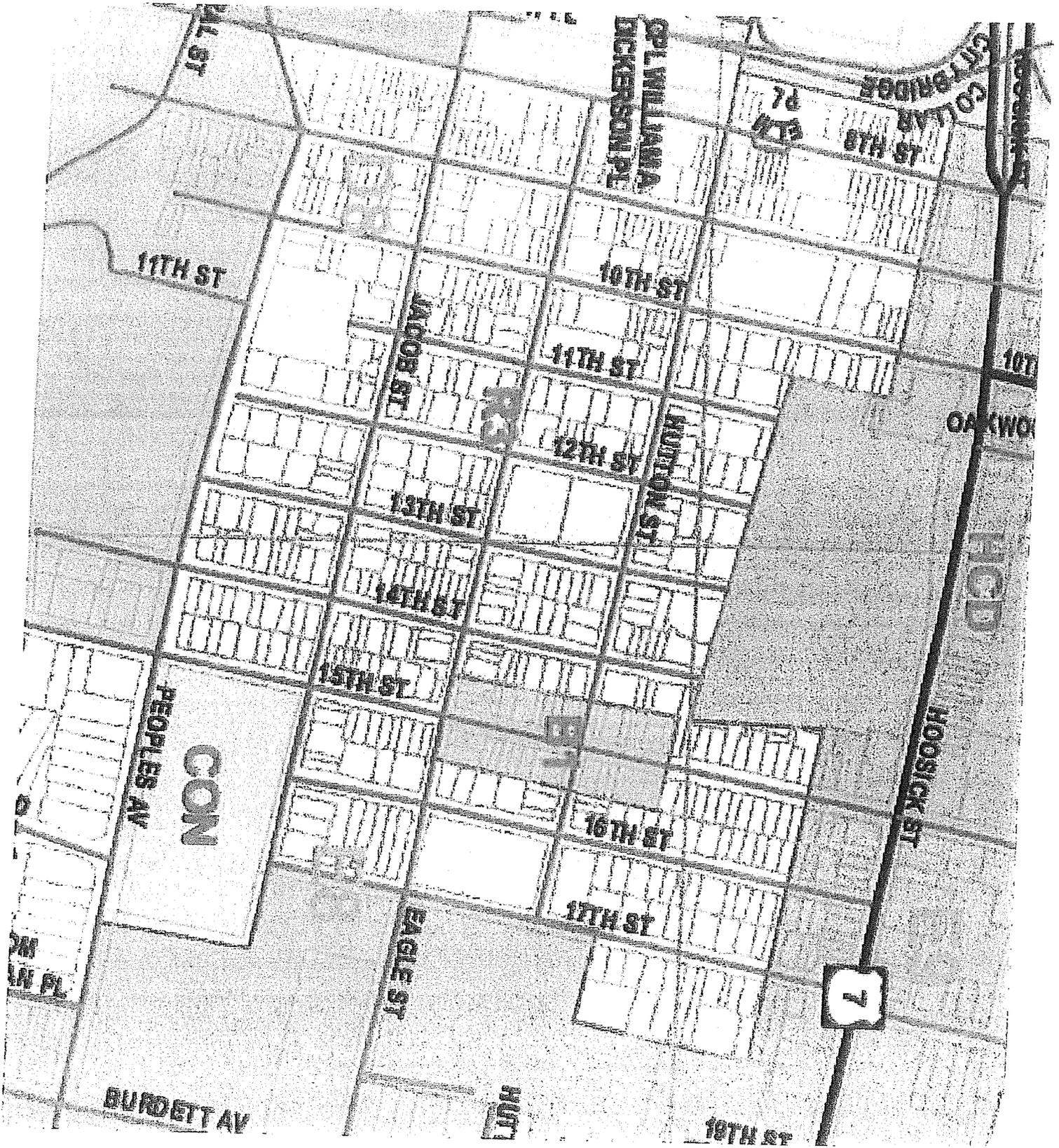
Pursuant to the Troy City Code, § 285-49 (B), it is the City Council that approves any change in the zoning of a district and any changes to the City's Official Zoning Map. Any amendments to the Zoning Code, such as the action proposed here, require a review pursuant to the State Environmental Quality Review Act ("SEQR").

Pursuant to Resolution # 62, the City Council declared itself to be lead agency for SEQR purposes. A Full Environmental Assessment Form was prepared regarding the proposed zoning change and submitted to the Council for its consideration. The Full EAF was also posted on the City Clerk's website on 7/10/16 for review and comment by the general public. The proposed zoning change and supporting materials were also provided to the Rensselaer County Office of Economic Development and Planning for its review and comment pursuant to § 239 of the General Municipal Law.

The City Council conducted a public hearing on 7/20/16. There were no negative comments received from the public at the public hearing. There were also no negative comments received during the 30 days that the Full EAF was posted on the City Clerk's website. The Rensselaer County of Economic Development and Planning issued a notification of its zoning review action, dated 7/21/16, in which it indicated its approval and support of the proposed rezoning of the Hillside/Beman Park Neighborhoods from R – 3 to R – 2. Following receipt of all of this information, the City Council, per Resolution # 82, issued a negative declaration relating to potential environmental impacts resulting from the proposed rezoning.

With the approval of the Resolution by the Council issuing the negative declaration, it is submitted that all steps required to be taken before the passage of an ordinance by the Council directing the rezoning have now been taken. Accordingly, it is recommended that the City Council pass the proposed ordinance rezoning the Hillside/Beman Park Neighborhoods from an R – 3 Multiple-Family Residential, Medium Density District to an R – 2 Two-Family Residential District..

Support #59



**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 249 Third Street identified as Tax Map SBL No. 101-77-73.
- 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 –ILIUM PROPERTY DEVELOPMENT INC.
PURCHASE PRICE - \$36,582.81 for Parcel No 101-77-73.

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. No further reconveyances of this parcel to Ilium Property Development, Inc. will be permitted.

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

Approved as to form, August 23, 2016

Kevin P. Glasheen, Corporation Counsel

Series #

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

Mailing Address: PO Box 308 Waterbelt NY 12189 (PHONE #)

Tax Map Number: 101.77-7-3 Ward/Plate Number: 1103620

Property Address: 249 Third St.

Status of Applicant to Owner who was foreclosed on:

Lienor, (If lienor, type of lien):

I, HARRY WEATHERBY, hereby state that I am the former owner (lienor) of
PRESIDENT ILIUM PROPERTY DEVELOPMENT, INC
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

RECEIVED
AUG 23 2016
ASSESSORS
OFFICE

HARRY WEATHERBY 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
18th Day of August 2016

[Signature]
Applicant's Signature

Richard Croak
NOTARY PUBLIC OR COMMISSIONER OF DEEDS

RICHARD G CROAK
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CR6306457
Qualified in Rensselaer County
My Commission Expires June 23, 2018

2016 IN-REM

BC0039
 Property Address
 Account # 1103620
 Tax Map # 101.77-7-3

Illum Property Development Inc.
 249 Third St
 Troy, NY 12180

Payment Amount Due

Delinquent Taxes City Principal	\$ 6,450.48	
Delinquent Taxes County Principal	\$ 3,761.97	
Delinquent School Taxes Principal	\$ 10,685.07	
Delinquent Library Principal	\$ 247.00	
Delinquent BID Principal	\$ -	
Delinquent Recycling Principal	\$ 58.00	
Sub Total		\$ 21,202.52

Delinquent Taxes City Interest	\$ 6,240.13	
Delinquent Taxes County Interest	\$ 748.96	
Delinquent Taxes School Interest	\$ 2,306.77	
Delinquent Recycling Interest	\$ 14.50	
Sub Total		\$ 9,310.36

Adv Fee	\$ 60.00	
Delinquent Water (with interest) (For Treasurers Office)		
Sub Total		\$ 60.00
* Total Taxes Due		\$ 30,572.88

* Administrative Fee 15% or \$300.00 of total taxes due (which ever is greater)	\$ 4,585.93	
Reconveyance Fee	\$ 235.00	
Advertising Fee	\$ 25.00	
Assessors Fee	\$ 300.00	
Legal Fees	\$ 150.00	
Closing Fees	\$ 400.00	
Sub Total		\$ 5,695.93

Rensselaer County Filing Fees

Transfer Gains (\$4.00 per \$1000.00)	\$ 124.00	
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)		\$ 314.00

TOTAL DUE BY 8/31/16 **\$ 36,582.81**

CHECK 1 (Made out to Assessors)	\$ 36,268.81
CHECK 2 (Made out to Treasurers)	\$ -
CHECK 3 (Made out to Rensselaer Cnty Clerk)	\$ 314.00

MUST BE CERTIFIED FUNDS

Prepared by Vickie Rosen

Date: 8/15/16

[Signature]
 Reviewed By: City Comptroller/Deputy Comptroller

MEMO IN SUPPORT

This reconveyance relates to residential property located at 249 Third Street currently owned by Ilium Property Management ("Ilium"). Ilium has owned the property since 1/5/10. This reconveyance allows the property owner to retain ownership to the property and provides the City with significant revenues. Between payment of delinquent taxes, interest, penalties and various additional fees, Ilium has tendered a payment to the Assessor's Office in the amount of \$36,268.61. The reconveyance also keeps the property on the tax roll and avoids the potential situation with the City owning the parcel with the obligation to maintain and manage the property as well as potential liability exposure related to the property. A check with Code Enforcement indicated that there have been no violations issued with respect to this property so it appears to have been maintained in decent shape. Given the amount of the payment, there is a reasonable likelihood that the payment would exceed a proposal bid on the property.

On the negative side, Ilium does not have a good tax payment history. From the records, it appears that Ilium paid the 2010 – 2012 property taxes in 2012 before foreclosure on the property. Ilium did not pay the taxes from 2013 – 2015 and the property went into foreclosure.

On the whole, it is believed that the positives of the reconveyance outweigh the negatives and it is recommended that this reconveyance be approved. However, given the payment history, it is suggested that Ilium be advised that no further applications for reconveyance of this property will be approved by the City Council.

**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 1012 2nd Avenue identified as Tax Map SBL No. 70-72-2-4.
- 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 thereinafter 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 –JAMES KILEY
PURCHASE PRICE - \$22,276.18 for Parcel No. 70-72-2-4
- 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. No further reconveyances of this parcel to James Kiley will be permitted.
- Section 5.** This Ordinance shall take effect immediately.

Approved as to form, August 31, 2016

Kevin P. Glasheen, Corporation Counsel

Series #

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

Mailing Address: 1012 2nd Ave Troy (PHONE # 518-330-5965)

Tax Map Number: 70-72-2-4 Ward/Plate Number: 1712970

Property Address: 1012 2nd Ave

Status of Applicant to Owner who was foreclosed on:
same

Lienor, (If lienor, type of lien):

I, James Kiley, hereby state that I am the former owner (lienor) of
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: 8/30/16

STATE OF NEW YORK
COUNTY OF Rensselaer
CITY OF Troy

James Kiley 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
30th Day of August 2016

Applicant's Signature

[Signature]
NOTARY PUBLIC OR COMMISSIONER OF DEEDS

Jill S Walsh
Notary Public, State of New York
County of Rensselaer
Lic. # 01WA5056072
Commission Expires 2/26/18

BC0096
Property Address
Account # 1712970
Tax Map # 70.72-2-4

James Kiley
1012 2nd Ave
Troy, NY 12182

Payment Amount Due		
Delinquent Taxes City Principal	\$	4,200.37
Delinquent Taxes County Principal	\$	2,602.67
Delinquent School Taxes Principal	\$	6,543.68
Delinquent Library Principal	\$	151.25
Delinquent BID Principal	\$	-
Delinquent Recycling Principal	\$	-
Sub Total	\$	13,497.97
Delinquent Taxes City Interest	\$	2,531.21
Delinquent Taxes County Interest	\$	2,027.03
Delinquent Taxes School Interest	\$	-
Delinquent Recycling Interest	\$	-
Sub Total	\$	4,558.24
Adv Fee	\$	30.00
Delinquent Water (with interest) (For Treasurers Office)	\$	91.34
Sub Total	\$	121.34
Total Taxes Due	\$	18,177.55
Administrative Fee 15% or \$300.00 of total taxes due (which ever is greater)	\$	2,726.63
Reconveyance Fee	\$	235.00
Advertising Fee	\$	25.00
Assessors Fee	\$	300.00
Legal Fees	\$	150.00
Closing Fees	\$	400.00
Sub Total	\$	3,836.63
Rensselaer County Filing Fees		
Transfer Gains (\$4.00 per \$1000.00)	\$	72.00
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)	\$	262.00
TOTAL DUE BY 8/31/16	\$	22,276.18

CHECK 1 (Made out to Assessors)	\$	21,922.84
CHECK 2 (Made out to Treasurers)	\$	91.34
CHECK 3 (Made out to Rensselaer Cnty Clerk)	\$	262.00

MUST BE CERTIFIED FUNDS

Prepared by Kiche Reain

Date: 8/29/16

Reviewed By: [Signature]
City Comptroller/Deputy Comptroller

MEMO IN SUPPORT

This reconveyance relates to a residential property located at 1012 Second Ave. that is owned by James Kiley. Mr. Kiley acquired the property on 10/4/07. This reconveyance allows the property owner to retain ownership of the property and provides significant revenue to the City. Mr. Kiley has tendered payment to the Assessor's Office in the amount of 21,922.84 for the delinquent taxes, interest, penalties and various fees. The reconveyance serves to keep the property on the tax rolls. It avoids the possibility of the City having ownership of the property for an extended period of time with a duty to maintain and manage the property along with exposure to liability related to the property. Additionally, the payment received may be in excess of a potential proposal bid on the property pursuant to the surplus sales property. A check with Code Enforcement indicated that there have been no violations issued with respect to the property.

On the negative side, Mr. Kiley does not have a good property tax payment history. The records indicate that his 2009 – 2012 taxes were paid in 2012 prior to foreclosure. He again had a three year delinquency from 2013 – 2016 which gave rise to the foreclosure proceeding leading to this application for reconveyance.

On the whole, it is believed that the positives of the reconveyance outweigh the negatives and it is recommended that this reconveyance be approved. However, it is suggested that Mr. Kiley be advised that no further applications for reconveyance by him will be approved by the City Council.

ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM, TO WIT: PATRICK M. HUSSEY v. CITY OF TROY, DONALD C. MARBLE, RYAN DAVIS AND JEREMY MORRIS, INDEX NO.: 253967

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

SECTION 1. The above-named Plaintiff has commenced an action in Rensselaer County Supreme Court seeking recovery for false arrest, unlawful detention and malicious prosecution.

SECTION 2. The Corporation Counsel is authorized to settle the above litigation. The Corporation Counsel shall obtain a Stipulation of Discontinuance and General Release in full satisfaction of Plaintiff's claims prior to the issuance of the settlement payment.

SECTION 3. The Comptroller is authorized to and directed to make, issue and sign the required settlement draft with said sum to be payable out of the Judgment and Claims Account.

SECTION 4. This Ordinance shall take effect immediately.

Approved as to Form, September 9, 2016

Kevin P. Glasheen, Corporation Counsel

MEMO IN SUPPORT

Plaintiff, Patrick Hussey, has commenced an action in Rensselaer County Supreme Court seeking a recovery of compensatory and punitive damages against the City of Troy and Troy Police Dept. Officers Donald Marble, Ryan Davis and Jeremy Morris. Plaintiff has asserted claims pursuant to 42 U.S.C. 1983 for false arrest, unlawful search and seizure, illegal detention and malicious prosecution. He is represented by Attorney Brian Premo. The initial settlement demand in the case was close to six figures. Attorney Premo and I have negotiated a settlement of \$4500 on this case.

By way of background on the Plaintiff, he had resided with his family in Wynantskill. He attended LaSalle Institute and, at the time of the incident giving rise to this action, he was attending RPI and majoring in mechanical engineering. He had no prior arrest history. He was residing with four fellow RPI student in an apartment in Troy on 13th Street.

This lawsuit arise out of an incident that occurred near the intersection of Third and Congress Streets on 8/18/13 at approximately 12:45 a.m. At that time, one Matt Kelly and Lila Perrot were proceeding in a westerly direction on Congress Street and were apparently stopped for a stoplight. They had their 2 year old daughter in the backseat of the car. A young man, whom they described as nicely dressed, approached their car and proceeded to punch the windshield and kick the passenger's side door of their car. Lila called 911 and they proceeded to the Police station to report the incident.

On the same date, the Plaintiff had traveled to the Saratoga Race Course in a bus with a mixed group of fellow RPI students. Following the races some of the students went to a graduation party for an RPI senior and then went Downtown to Bootlegger's. After he left Bootlegger's, the Plaintiff and a Christine Piscetelli went to the I Love NY Pizza shop on 4th Street for pizza before he headed back to his apartment. There were other patrons present at the pizza shop.

Mr. Kelly and Ms. Perrott did not know Mr. Hussey prior to the incident and in fact have never have had any contact with him. They never identified him as the culprit in a lineup or otherwise. He has absolutely denied any involvement in the incident with Mr. Kelly and Ms. Perrott. It appears from interviews that the identification of the Plaintiff as the culprit was primarily based on the fact that he was a nicely dressed young man which was consistent with the description of the of the culprit given my Mr. Kelly and Ms. Perrott.

In any event, Officers Marble and Davis entered the I Love NY Pizza and arrested the Plaintiff for the incident and handcuffed him. He was then taken outside and placed in a police cruiser and taken to the Police Station. He was handcuffed to the wall in the room where arrestees are initially interviewed by a police officer. He remained handcuffed at that location for approximately an hour and a half. He was then moved but remained in handcuffs before finally being released to return home.

He was given an appearance ticket charging him with Harassment 2nd and returnable on 8/20/13. He did appear on 8/20/13 at Troy City Court before Judge Maier. He was represented by Attorney Premo at City Court. The charge against him was dismissed in the interests of justice. The Plaintiff incurred attorney's fees of \$1500 for his defense against the Harassment 2d charge. He is claiming some residual emotional sequellae but no physical injuries.

Given all the facts and circumstances of this case, we recommend a settlement of this case for the above amount.

**ORDINANCE AUTHORIZING AND DIRECTING SALES BY
THE PROPOSAL SALE METHOD OF CITY-OWNED REAL PROPERTIES**

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

Section 1. Pursuant to Section 83-8 of the Troy Code, the Bureau of Surplus Property accepted bids at proposal sale on the hereinafter described properties as outlined below.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchasers for the sums below indicated which is hereby determined to be a fair price for the same without the necessity of 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 bidder or bidders a quit claim 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 sales are as follows:

PROPERTY	PURCHASER	PRICE
1. 74 New Turnpike Road	Alan Paul Butrico	\$1.00
2. 3-5 Ingalls Ave	PRIAM, LLC	\$500.00
3. 150 6 th Avenue	Alan Paul Butrico	\$1.00

TERMS AND CONDITIONS: Properties will be conveyed to the prospective purchasers by Quit Claim Deed and be subject to any easement or restriction of record. Further;

- A. Purchaser shall be liable for and pay all closing costs related to this sale including, but not limited to: filing fees, deed stamps, survey, title report, environmental reports & cleanup and attorneys fees.

Section 5. This Ordinance shall take effect immediately.

Approved as to form, September 16, 2016

Kevin P. Glasheen, Esq., Corporation Counsel

PROPOSAL

Tax Map # 381700 70.74-1-1

Property Location 74 New Turnpike Road

Present Number of Units 0

Owner Occupancy yes Residential

Proposed Number of Units 80+

no x Commercial

Proposed Use Commercial/Residential/Mixed-Use

Summary of Improvements 80 Residential Studio Apartments, gift shop/candy store, and a full-service restaurant. Gated entry with secure access and a doorman, at least half an acre of greenspace. Two entries to the property, one in front, one in rear.

Estimated Total Costs \$ 5,000,000

Proposed Improvement Method Using existing building structure, remediate any hazardous materials found, bring entire building to "broom clean" condition and build out from that.

Financing Method _____

(Attach Proof of Financing method)

Proposed Purchase Price (Amount of Bid) \$ 1

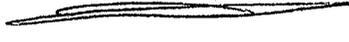
Name Alan Paul Butrico

Principals _____

Address 2220 west 7th Street

Brooklyn, New York 11223-4624

Phone # (917) 578-4079



(Signature)

**If more than one individual, partner, shareholder or member, attach additional sheets providing the names, home addresses and telephone numbers of each. No PO Boxes are acceptable. Each must sign the proposal.

MAYOR'S APPROVAL _____

PROPOSAL

Tax Map # 90.70-2-13

Property Location 3-5 Ingalls Ave

Present Number of Units 0

Owner Occupancy yes Residential

Proposed Number of Units 0

no Commercial

Proposed Use This lot forms the backyard to 731 River Street that I am purchasing from the estate of Osman Osman

Summary of Improvements Remove debris, remove weeds, cut grass.

Estimated Total Costs \$ 300

Proposed Improvement Method self / contractors

Financing Method self

(Attach Proof of Financing method)

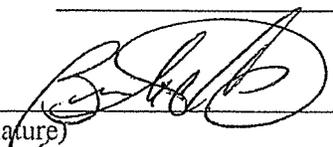
Proposed Purchase Price (Amount of Bid) \$ 500⁰⁰

Name PRIAM LLC

Principals Brian McCandless MD

Address 130 Canvass St
Cohoes NY 12047

Phone # 518 330 7473

(Signature) 

**If more than one individual, partner, shareholder or member, attach additional sheets providing the names, home addresses and telephone numbers of each. No PO Boxes are acceptable. Each must sign the proposal.

MAYOR'S APPROVAL _____

ORDINANCE TO AMEND THE CODE OF THE CITY OF TROY, CHAPTER 83, PROPERTY, CITY OWNED, ARTICLE I, SURPLUS CITY PROPERTY

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

Section 1. Troy City Code **Chapter 83, Article I**, entitled “Surplus City Property” shall be amended in accordance with the subsequent sections of this Ordinance.

Section 2. **Article I, §83-1** entitled “Purpose” is amended to add a new Subsection E that provides as follows:

Property Review Committee. In order to achieve the above purposes in connection with the sale of surplus City real property, there shall be a Property Review Committee to oversee the process and to evaluate reconveyances, proposal sales and auction bids in light of the above goals. The Property Review Committee will be comprised of the Deputy Mayor, Director of Code Enforcement, Assessor, Economic Development Director and two City Council members with one from the majority caucus and one from the minority caucus.

Section 3. **Article I, §83-2** entitled “Bureau of Surplus Property” is amended to provide the following changes to Subsection C:

(2) No property shall be rented for residential purposes which fail to comply with Chapter 176, Housing and Property Maintenance, after nine months from the date of acquisition by the City.

(3) Commercial and industrial tenants shall be required to keep the buildings they occupy safe and insured in such amounts as required by the ~~Corporation Counsel~~ Comptroller, with the City of Troy included as named insured.

(4) Requests for maintenance, repairs, demolition and necessary rehabilitation will be forwarded to the Commissioner of ~~Public Works~~ General Services, who shall be responsible to see that the work is completed. The cost of labor and materials shall be a charge against the Department of ~~Public Works~~ General Services budget.

Section 4. **Article I, §83-3** entitled “Promotion and Sale of Surplus Property” is amended to provide the following changes to Subsections A (2); B (2); C (2); D and E:

A(2) If the property consists of a vacant building, it shall be properly secured by the Department of ~~Public Works~~ General Services.

B(2) Individual lots may be combined or divided at the discretion of the City Assessor to make a more desirable property.

C(2) The Assessor shall mail letters to adjacent owners of vacant land on the list and inform them of their right to buy at ~~private sale~~ through the proposal sales method.

D. Newspaper advertisement. As soon as possible after the recording of the in rem deed, the Assessor shall cause an advertisement to be placed in the City's official newspaper, publishing the list of surplus property for sale and informing the general public when and where proposals will be accepted and when and where the auction will be held on property for which no proposal is accepted by the City Council. That advertisement shall be published at least one more time during the week following the first publication. Additional advertisements and promotional activity may be undertaken as deemed desirable by the Assessor including advertising on multiple real estate listings, websites, social media and other publications.

E. Property Sales Methods. Parcels of surplus real property obtained by the City via in rem foreclosures may be sold and conveyed by the following methods:

1. Reconveyance on payment of delinquent real property taxes, interest, penalties and other legal and administrative charges;
2. Private Proposal Sale Application consisting of a proposal regarding the plan for a specific parcel and a sealed bid for the funds to be paid for the purchase of the property;
3. Minimum Bid. Residential and commercial properties considered by the Property Review Committee to have a current market value in excess of \$75,000 will require a minimum bid to be established by the Committee. Where multiple bids equal to or in excess of the minimum bid are received, the parcel will be sold to the most credible highest bidder. Where no minimum bid is received, the property may be sold via the Private Proposal Sale method or by auction as deemed to be in the best interests of the City by the Committee; and
4. Auction. Parcels may be sold via the auction method as deemed to be necessary and in the best interests of the City by the Property Review Committee at various times during the Year.

Section 5. **Article I** is amended to include a new §83-4 entitled “Sales to City Employees” that provides as follows:

- A. (1) City Council members and City officers and employees occupying the positions of Mayor, Deputy Mayor, Corporation Counsel, Comptroller, Commissioner of General Services, City Engineer and City Assessor shall not be permitted to purchase City surplus real property.
(2) City officers and employees occupying the positions of Commissioner of Public Safety, Commissioner of Planning and Economic Development and Superintendent of Public Utilities shall not be permitted to purchase City surplus real property with the exception of a parcel where such officer or employee is the sole bidder.
- B. Other City Employees. Other City employees may bid on and purchase surplus real property subject to the following conditions:
 - (1) The General Public shall have equal access to sale parcels and records relating to sales parcels as do City Employees. Prior to obtaining access to properties deemed safe to enter, City employees and members of the General Public must sign a waiver of liability form at the Assessor's Office and be accompanied by a City representative at the site visit. Prior to obtaining access to City records relating to a specific parcel of property, City employees and members of the General

Public shall submit a FOIL request for the records which the City employee or member of the General Public wish to review.

(2) If an employee from the Comptroller's Office, the Bureau of Code Enforcement or the City Assessor's Office wishes to submit an application and bid for a parcel of City surplus real property, such employee must obtain a pre-approval to do so from the Law Committee of the City Council.

C. Improper Influence. In no event shall a City employee who has direct or indirect supervisory authority over another employee direct the supervised employee to take an action that will be of personal benefit to the supervisor in connection with the sale of a City property or the release of the City's right of reacquisition.

Section 6. Article I is amended to renumber former §84-4 to §83-5 entitled "Terms of Sale" and to include the following changes to Subsection B. (2), (3), (4), (7) and (8); Subsection C that provides as follows:

(2) A down payment of 10% of the purchase price will be required to be paid at the time the offer is received by the City or at the completion of bidding, if at auction. At the time of the purchase proposal proposal sale application or bid at auction, the applicant or bidder must be current on all monies owed to the City of Troy, including but not limited to: property tax bills, water bills, code enforcement fines, recycling fees etc.

(3) Within 30 days after the approval of the sale by the City Council, the purchaser will pay to the Bureau of Surplus Property the balance of the purchase price plus the advertising cost and payment in lieu of City, county and school taxes based on the City's appraisal current assessed value prior to sale and prorated for the time prior to the first tax bill to the purchaser. Upon default of such payment, the City shall retain the down payment, which is not a penalty but liquidated damages. This period may be extended only for extenuating circumstances, as determined by the City Council no later than the second regular meeting of the Council following the default.

(4) The City Council reserves the right to reject any and all ~~offers~~ purchase offers.

(7) This sale is made subject to the condition that:

(a) If there is a structure on the premises which is able to be rehabilitated or inhabited, it shall be repaired in conformance with the building, housing and fire prevention codes within six months after the date of the deed from the City to the purchaser or within six months of approval by the Planning and/or Zoning Boards, if required.

(b) If there is a structure on the premises which is not able to be rehabilitated or inhabited, it shall be demolished within six months after the date of the deed from the City to the purchaser.

(c) If vacant land is purchased for building purposes, a building shall be erected of such type of construction as to conform with the surrounding area and comply with building, housing and fire prevention codes within one year after the date of the deed from the City to the purchaser or within one year of approval by the Planning and/or Zoning Boards, if required.

(d) If vacant land is not purchased for building purposes, it must be cleaned and maintained so as not to be a nuisance or detriment to its neighborhood within ~~six months~~ ninety days after the date of the deed. A parcel of vacant land not purchased for building purposes may be no more than a quarter (¼) acre in size.

(e) If there is a structure on the premises which is able to be rehabilitated or inhabited, it shall be secured or shall be boarded up, both as defined in §141-21c (1) of the City Code, within 30 days of the date of the deed from the City to the purchaser.

(f) The above-mentioned time periods for repair, demolition, construction or cleaning and maintenance may be extended for up to six months by the ~~Bureau of Surplus Property~~ Bureau of Code Enforcement, upon submission by the property owner of a compliance plan which has been approved by the ~~Commissioner of Planning and Community Development~~ Director of Code Enforcement. Any further extensions of time may be made only by the City Council, upon request of the purchaser and upon a showing of substantial progress on the proposed project.

(8) The Quit Claim Deed shall contain a right of reacquisition clause that if the purchaser, his/her successors or assigns shall fail to comply with the applicable conditions or the City has a right to ~~reenter~~ reacquire the property without refunding the purchaser price. The deed shall also contain a waiver of real property defenses clause.

Section 7. Article I is amended to renumber former §83-5 to §83-6 entitled “Reconveyance of Foreclosure Property” and to add a new Subsection H to provide as follows:

H. The right for a person, association or corporation to apply for a reconveyance of a designated parcel of City surplus real property acquired by virtue of an in rem foreclosure proceeding shall be limited to two such applications with each application subject to City Council approval.

Section 8. Article I is amended to renumber former §83-6 to §83-7 entitled “Proposals” and to include the following changes to Subsections D and E to provide as follows:

D. ~~Optional items~~ Additional Information. In addition to the items required in the proposal, the proposer ~~may will~~ also ~~include~~ provide the following ~~to enhance~~ information in connection with the application:

- (1) Past record of the proposer in rehabilitating or managing real property.
- (2) Amount of money promised to be invested in the property.
- (3) Source of financing.

(4) Additional conditions proposer is willing to set for himself/herself.

E. Evaluation of proposals. Proposals shall be submitted to the Bureau of Surplus Property ~~which, with the assistance of the Department of Planning and Community Development and the Property Review Committee~~ shall evaluate the proposals, using the following criteria:

- (1) Whether the proposer would be an occupant of the building or, if not an occupant, would live near the property.
- (2) Whether there is a probability that the proposer will be successful in completing proposed improvements and maintaining the property.
- (3) Whether the proposal accords with the best use of the property.
- (4) Whether the proposal will be a benefit to neighborhood condition, appearance and property values.
- (5) Whether the proposal will result in the highest long-term tax return to the City.

Section 9. Article I is amended to renumber former §83-7 to §83-8 entitled “Auctions”.

Section 10. Article I is amended to renumber former §83-8 to §83-9 entitled “Private Sale”.

Section 11. This Ordinance shall take effect immediately.

Approved as to form, September 19, 2016

Kevin P. Glasheen, Corporation Counsel

Memo in Support

Over the past few months, a number of concerns have been raised by Council members regarding the City's Surplus Property Sales Procedures as set forth in Chapter 83, Article I, City Surplus Property in the Troy City Code. These concerns have included, among other things, a failure by purchasers to comply with the conditions of sale relating to specific parcels; sales of parcels with significant value for prices well below their potential fair market value; the utilization of a less than adequate right of reacquisition clause to protect the City's interests, and; the issuance of releases relating to the right of reacquisition clause.

In light of those concerns, a review of the procedures and documents relating to the property sales procedures has been conducted. As a result of that review, certain changes have been recommended for inclusion in the sales procedures relating to Chapter 83, Article I of the City Code in order to improve and tighten the process.

Among other things, the proposed revisions include the following: i) the formal identification of the Property Review Committee to evaluate property proposal applications and bids; ii) providing a clear delineation of the various property sales methods that can be utilized by the City; iii) the introduction of a minimum bid provision for properties deemed by the Committee to have significant market value; iv) providing guidelines regarding sales to City employees in order to minimize concerns regarding any unfair advantage to City employees in the sales process; v) recognizing and accommodating the necessity of a purchaser obtaining Planning and/or Zoning Board approval for the rehabilitation and/or construction of structures; vi) limiting the size of parcels that can be purchased for non-building purposes; vii) tightening the conditions upon which requests for extensions of time for compliance with agreed upon conditions for the use of the property; viii) requiring notice to applicable City Council members regarding a proposed release of a right of reacquisition, and; ix) mandating more detailed information to be provided to the Property Review Committee to assist the Committee in its proposal evaluation process

Beyond the procedures set forth in Chapter 83, Article I, the right of reacquisition language previously included in the City's Quit Claim deed has been revised to capture all of the potential scenarios relating to the use of parcels by potential purchasers. Additionally, the other forms utilized in the proposal sale method have been revised and tightened and placed on the City Assessor's website. Given all of the above steps and considerations, it is recommended that the proposed Ordinance herein amending Chapter 83, Article I of the City Code and the Resolution approving the ending of the Temporary 90 day Moratorium on the Conveyance of City Property be approved by the Council.

Article I: Surplus City Property

[Adopted 9-6-1979 (Ch. 25 1/2 of the 1973 Code)]

§ 83-1 Purpose.

This article sets forth the procedure for management and disposal of surplus real property owned by the City of Troy. The procedure is aimed at achieving the following goals:

- A. To sell under terms as will provide the longest benefit to the City of Troy;
- B. To sell under such circumstances as will expedite development, rehabilitation and beautification of property sold;
- C. To sell under such circumstances as will inhibit the return of property to the delinquent tax list; and
- D. To obtain the most advantageous price to the City.

E. Property Review Committee. In order to achieve the above purposes in connection with the sale of surplus City real property, there shall be a Property Review Committee to oversee the process and to evaluate reconveyances, proposal sales and auction bids in light of the above goals. The Property Review Committee will be comprised of the Deputy Mayor, Director of Code Enforcement, Assessor, Economic Development Director and two City Council members with one from the majority caucus and one from the minority caucus.

§ 83-2 Bureau of Surplus Property.

[Amended 9-5-1985]

- A. Reports of the Bureau. The Bureau of Surplus Property shall review and report on its actions to the Mayor quarterly. The Mayor shall transmit such reports to the City Council.
- B. Classification of property. All real property owned by the City of Troy will be classified as surplus property except for property which is needed for City purposes. The City Assessor shall have the duty to circulate throughout the departments and bureaus of City government the list of real surplus property to ascertain any City need for the property. Should any property be designated as needed for City purposes it will be omitted from the list of surplus property.
- C. Management of surplus real property. It shall be the duty of the Bureau of Surplus Property to manage surplus real property.
 - (1) Where possible, inhabitable property should be rented. Uninhabitable property should be secured by the Department of Public Works to prevent damage or vandalism.

(2) No property shall be rented for residential purposes which fail to comply with Chapter 176, Housing and Property Maintenance, after nine months from the date of acquisition by the City.

(3) Commercial and industrial tenants shall be required to keep the buildings they occupy safe and insured in such amounts as required by the ~~Corporation Counsel~~ Comptroller, with the City of Troy included as named insured.

(4) Requests for maintenance, repairs, demolition and necessary rehabilitation will be forwarded to the Commissioner of ~~Public Works~~ General Services, who shall be responsible to see that the work is completed. The cost of labor and materials shall be a charge against the Department of ~~Public Works~~ General Services budget.

(5) A list of all tenants and rents charged and received shall be kept by the Bureau of Surplus Property. A monthly summary of receipts and delinquencies as well as copies of any requests for evictions which have been forwarded to the Corporation Counsel shall be submitted to the Comptroller on or before the 10th day of the following month.

§ 83-3 Promotion and sale of surplus property.

A. Inventory. As soon as possible after the recording of the in rem foreclosure deed, the Assessor or his/her designee shall visit each property to determine its condition and appraise each parcel at its fair market value.

(1) If the property consists of an occupied dwelling, the occupants shall be advised that they are tenants of the City and of the conditions of their tenancy.

(2) If the property consists of a vacant building, it shall be properly secured by the Department of ~~Public Works~~ General Services.

B. Preparation of list. The City Assessor shall prepare a list of all surplus property classifying parcels according to § 83-2B.

(1) The list shall contain the address and description for each parcel.

(2) Individual lots may be combined or divided at the discretion of the City Assessor to make a more desirable property.

C. Promotion.

(1) The Assessor shall mail letters to the last-known owners, informing them of the reconveyance program.

(2) The Assessor shall mail letters to adjacent owners of vacant land on the list and inform them of their right to buy at ~~private sale~~ through the proposal sales method.

(3) The list shall be circulated among City agencies, other public agencies, real estate brokers, developers and anyone else requesting such lists.

D. Newspaper advertisement. As soon as possible after the recording of the in rem deed, the Assessor shall cause an advertisement to be placed in the City's official newspaper, publishing the list of surplus property for sale and informing the general public when and where proposals will be accepted and when and where the auction will be held on property for which no proposal is accepted by the City Council. That advertisement shall be published at least one more time during the week following the first publication. Additional advertisements and promotional activity may be undertaken as deemed desirable by the Assessor including advertising on multiple real estate listings, websites, social media and other publications.

E. Property Sales Methods. Parcels of surplus real property obtained by the City via in rem foreclosures may be sold and conveyed by the following methods:

1. Reconveyance on payment of delinquent real property taxes, interest, penalties and other legal and administrative charges;
2. Private Proposal Sale Application consisting of a proposal regarding the plan for a specific parcel and a sealed bid for the funds to be paid for the purchase of the property;
3. Minimum Bid. Residential and commercial properties considered by the Property Review Committee to have a current market value in excess of \$75,000 will require a minimum bid to be established by the Committee. Where multiple bids equal to or in excess of the minimum bid are received, the parcel will be sold to the most credible highest bidder. Where no minimum bid is received, the property may be sold via the Private Proposal Sale method or by auction as deemed to be in the best interests of the City by the Committee; and
4. Auction. Parcels may be sold via the auction method as deemed to be necessary and in the best interests of the City by the Property Review Committee at various times during the Year.

F. Council approval. The City Council shall accept or reject the sale of any parcel of surplus real property regardless of the sale method utilized by the City.

Section 83-4. Sales to City Employees

A. (1) City Council members and City officers and employees occupying the positions of Mayor, Deputy Mayor, Corporation Counsel, Comptroller, Commissioner of General Services, City Engineer and City Assessor shall not be permitted to purchase City surplus real property.

(2) City officers and employees occupying the positions of Commissioner of Public Safety, Commissioner of Planning and Economic Development and Superintendent of Public Utilities shall not be permitted to purchase City surplus real property with the exception of a parcel where such officer or employee is the sole bidder.

B. Other City Employees. Other City employees may bid on and purchase surplus real property subject to the following conditions:

- (1) The General Public shall have equal access to sale parcels and records relating to sales parcels as do City Employees. Prior to obtaining access to properties deemed safe to enter, City employees and members of the General Public must sign a waiver of liability form at the Assessor's Office and be accompanied by a City representative at the site visit. Prior to obtaining access to City records relating to a specific parcel of property, City employees and members of the General Public shall submit a FOIL request for the records which the City employee or member of the General Public wish to review.

- (2) If an employee from the Comptroller's Office, the Bureau of Code Enforcement or the City Assessor's Office wishes to submit an application and bid for a parcel of City surplus real property, such employee must obtain a pre-approval to do so from the Law Committee of the City Council.

- C. Improper Influence. In no event shall a City employee who has direct or indirect supervisory authority over another employee direct the supervised employee to take an action that will be of personal benefit to the supervisor in connection with the sale of a City property or the release of the City's right of reacquisition.

§ 83-5 Terms of sale.

[Amended 7-1-1999 by Ord. No. 10]

A. Regulated. Except for reconveyances, all sales of surplus property will be made only after the purchaser has agreed to comply with and signed a copy of the terms of sale.

B. Terms. The terms of sale shall be as follows:

(1) The property will be sold as advertised.

(2) A down payment of 10% of the purchase price will be required to be paid at the time the offer is received by the City or at the completion of bidding, if at auction. At the time of the purchase proposal proposal sale application or bid at auction, the applicant or bidder must be current on all monies owed to the City of Troy, including but not limited to: property tax bills, water bills, code enforcement fines, recycling fees etc.

(3) Within 30 days after the approval of the sale by the City Council, the purchaser will pay to the Bureau of Surplus Property the balance of the purchase price plus the advertising cost and payment in lieu of City, county and school taxes based on the City's appraisal current assessed value prior to sale and prorated for the time prior to the first tax bill to the purchaser. Upon default of such payment, the City shall retain the down payment, which is not a penalty but

liquidated damages. This period may be extended only for extenuating circumstances, as determined by the City Council no later than the second regular meeting of the Council following the default.

(4) The City Council reserves the right to reject any and all ~~offers~~ purchase offers.

(5) In the event the City for any reason determines not to sell to the purchaser, the liability of the City of Troy and of its agents relative to the property conveyed is limited to the return of any payments made to the City of Troy, including the advertising fee.

(6) No representations of any kind are or have been made by the City of Troy or its agents as to the title or physical condition of the property or as to the existence of any improvements thereon.

(7) This sale is made subject to the condition that:

(a) If there is a structure on the premises which is able to be rehabilitated or inhabited, it shall be repaired in conformance with the building, housing and fire prevention codes within six months after the date of the deed from the City to the purchaser or within six months of approval by the Planning and/or Zoning Boards, if required.

(b) If there is a structure on the premises which is not able to be rehabilitated or inhabited, it shall be demolished within six months after the date of the deed from the City to the purchaser.

(c) If vacant land is purchased for building purposes, a building shall be erected of such type of construction as to conform with the surrounding area and comply with building, housing and fire prevention codes within one year after the date of the deed from the City to the purchaser or within one year of approval by the Planning and/or Zoning Boards, if required.

(d) If vacant land is not purchased for building purposes, it must be cleaned and maintained so as not to be a nuisance or detriment to its neighborhood within ~~six months~~ ninety days after the date of the deed. A parcel of vacant land not purchased for building purposes may be no more than a quarter (1/4) acre in size.

(e) If there is a structure on the premises which is able to be rehabilitated or inhabited, it shall be secured or shall be boarded up, both as defined in §141-21c (1) of the City Code, within 30 days of the date of the deed from the City to the purchaser.

(f) The above-mentioned time periods for repair, demolition, construction or cleaning and maintenance may be extended for up to six months by the ~~Bureau of Surplus Property~~ Bureau of Code Enforcement, upon submission by the property owner of a compliance plan which has been approved by the ~~Commissioner of Planning and Community Development~~ Director of Code Enforcement. Any further extensions of time may be made only by the City Council, upon request of the purchaser and upon a showing of substantial progress on the proposed project.

(8) The Quit Claim Deed shall contain a right of reacquisition clause that if the purchaser, his/her successors or assigns shall fail to comply with the applicable conditions or the City has a right to ~~reenter~~ reacquire the property without refunding the purchaser price. The deed shall also contain a waiver of real property defenses clause.

(9) The purchaser shall not alter, remove or otherwise change any items contained in or attached to any building or land to be purchased from the City of Troy until the full purchase price and charges are paid and the deed from the City is received by the purchaser.

(10) Every prospective purchaser will submit with the down payment a signed agreement to comply with these terms of sale.

(11) Prior to the approval of sale by the City Council, the purchaser shall submit a statement under oath and penalty of perjury, setting forth the following:

(a) That the purchaser is the real party in interest or, if the purchaser is acting as an agent the name of the principal.

(b) A statement that no persons other than those listed are financially or beneficially interested in the sale.

(c) Does any public official, officer, agent or employee of the City of Troy have an interest in the transaction? If yes, a statement giving the name and position of the official, officer, agent or employee.

(d) That no collusion with any other bidder or any public official has taken place.

(e) State of relationship to previous owner, if any.

(f) A list of all of the real property the purchaser owns in the City of Troy or has owned in the last five years in the City of Troy.

(g) A list of all properties on which delinquent taxes are due and owing to the City by the proposed purchaser.

(h) A statement of whether or not the City of Troy has ever taken title to any property owned by the purchaser via an in rem tax foreclosure proceeding.

(i) If the purchaser is a corporation, a statement identifying by name and address the major stockholders and the officers of the corporation.

(j) A statement as to whether or not the purchaser owns any property in the City of Troy upon which a vacant or abandoned building is located.

(12) In all sales where the consideration is less than \$1,000, the Mayor is authorized to execute a conditional sales contract, and the execution and delivery of a deed to the purchaser shall be

deferred until the conditions enumerated in Subsection B(7)(a) of this section are fully complied with; except that a deed may be executed and delivered to the purchaser if the same is a necessary requisite for the purchaser to obtain a building and loan mortgage or rehabilitation mortgage the proceeds of which are to be used by the purchaser in satisfying the conditions of Subsection B(7)(a) of this section. The purchaser under a conditional sales contract shall be required to make a payment in lieu of taxes prorated for the time prior to the first tax bill, after conveyance by the deed, for City, county and school taxes, based on the prior assessment and current tax rate. A further payment in lieu of taxes shall be required prior to the granting of any administrative or Council-approved extension of the conditional sales contract. Extensions of the conditional sales contract may be granted only in conformity with the provisions of Subsection B(7)(b) of this section.

C. ~~Termination~~ Release of Right of reentry-Reacquisition. Any condition or right of ~~reentry~~ reacquisition may be terminated by deed signed by the Mayor upon either a certificate of compliance from the Bureau of Code Enforcement, showing that the property conforms in all respects to the appropriate rules and regulations, or upon the purchaser obtaining a building and loan rehabilitation mortgage or rehabilitation mortgage, which shall be recorded simultaneously with the deed, releasing the right of ~~reentry~~ reacquisition and upon the Mayor apprising the City Council members on the Property Review Committee prior to the execution of a release of the right of reacquisition.

D. Calendar of reentry. A calendar of reentry shall be established, and the Director of Code Enforcement shall report to the Assessor at the conclusion of each time limit whether conditions have been fulfilled. Where the conditions have not been fulfilled, the Corporation Counsel shall take whatever action is necessary to reenter or reacquire the property for the City of Troy.

E. Prior to receiving a deed, the purchaser must pay all delinquent taxes owed to the City.

§ 83-6 Reconveyance of foreclosure property.
[Amended 4-2-1981]

A. The City Council, in its discretion, may convey all of the property, right, title and interest of the City in any property hereafter acquired by the City by virtue of any in rem foreclosure action to any person, association or corporation which, on the date of the filing of the list of delinquent taxes in such action, had been vested with title thereto; however, no conveyance may be made of any such lands, real estate or real property, or any portion thereof, which the City Council has assigned for City purposes; and the grantee by such conveyance shall receive thereby the title which was vested in the owner on the date of the filing of the list of delinquent taxes, subject to any and all liens, encumbrances and defects which existed on said date except in this section otherwise provided, including the lien or encumbrance, if any, of the applicant.

B. Such person, association or corporation shall apply in writing to the Bureau of Surplus Property for such conveyance within one month after the date of publication of the first newspaper advertisement pursuant to § 83-3D, providing the City has not sold or agreed to convey the lands, real estate or real property involved to a successful bidder nor assigned the same for City purposes. Any person, association or corporation which, on the date of the filing of

the list of delinquent taxes, in an action in rem, had a lien or encumbrance of record or pursuant to a policy or written agreement of insurance insuring to the benefit of an owner of the title, lien or encumbrance, entered into prior to the commencement of an action to foreclose, shall have the same right as the owner, within the same period of time herein set forth, to apply to the Bureau for such conveyance, excepting that no such application shall be considered by the Bureau until the full period of time of the owner to make application shall have expired and the owner shall have failed to make such application. During the periods of time provided in this section, the City shall not sell such lands, real estate or real property to any person, association or corporation other than one entitled to apply for a conveyance as herein provided, but this prohibition shall not operate or be construed to deny to the City Council the right within such periods of time to assign such lands, real estate or real property to any City purpose. Any application made pursuant to the provisions of this section shall be verified and contain a statement of the identity and interest of the applicant and that he/she has not accepted or agreed to accept any consideration or other assistance for making this application in return for his/her promise or agreement to convey, transfer or assign his/her right, title and interest in the lands, real estate or real property subsequently to be conveyed to him/her by the City pursuant to this section.

C. Within one month after the beginning of the application period, the applicant shall submit a duly written certificate or certified search of the County Clerk or clerk of Surrogate's or other court of record, or by the duly written certificate, certified search-of-title report of any title insurance, abstract or searching company or attorney, attesting that the applicant for such conveyance was, on the date of the filing of the list of delinquent taxes, such owner, lienor or encumbrancer of record and listing any liens or encumbrances of record as of that date. In the event that the estate, lien or interest of the applicant shall have been derived by reason of the death of the owner, lienor or encumbrancer of record of or against such lands, real estate and real property on the date of the filing of the list of delinquent taxes, and such derived estate, lien or interest of the applicant shall not appear of record, proof of such facts as shall be sufficient to attest to the derivation of such estate, lien or interest shall be made by affidavit of the applicant or other persons having information with relation thereto. Such certificates, searches and affidavits shall be transmitted by the Bureau of Surplus Property to the Corporation Counsel, who shall examine them and report to the City Council upon the sufficiency of such documents to comply with the provisions of this section. The City Assessor shall cause to be prepared and delivered to such applicant a conveyance of the right, title and interest of the City in and to such real property, provided only that the title which the applicant shall receive thereby shall not be free from any and all liens, encumbrances and defects which existed on the date of the filing of the list of delinquent taxes, and upon the delivery of such conveyance, such liens, encumbrances or defects, including the lien or encumbrance, if any, of the applicant, shall thereupon reattach. Such conveyance shall be in such form as the Corporation Counsel shall approve.

D. Within two months of the beginning of the application period, the application shall be submitted to the City Council for approval.

E. Such conveyance shall be delivered to the applicant upon the payment as to each separate parcel so conveyed of the following sums of money within 30 days of approval by the City Council. The period may be extended only for extenuating circumstances, as determined by the

City Council no later than the second regular meeting of the Council following expiration of this thirty-day period:

- (1) The principal amount due on all delinquent tax liens appearing on the list of delinquent taxes upon which the judgment of foreclosure was based with interest at the rates appearing on the said list to the date of payments.
- (2) The principal amount due on all unpaid taxes, assessments, sewer rents and water rents which accrued and became liens on a date or dates subsequent to the date or dates on which the delinquent tax liens appearing on the list of delinquent taxes accrued and became liens with interest, at the rate or rates provided by law.
- (3) If necessary, a payment in lieu of taxes, prorated for the time prior to the first tax bill to the purchaser for City, county and school taxes, based on the prior assessment and current tax rate.
- (4) A sum of \$200 administration fee for each parcel conveyed and, in the case of improved property, an additional sum of \$100 per month management fee while title to such property is held by the City after the date of foreclosure and prior to the date of reconveyance. Such fees shall be collected from the applicant prior to reconveyance or may be deducted from any excess rents collected by the City while it held title to the property.
- (5) Any deficiency which may result to the City after all payments made by it for the repair, maintenance and operation of the lands, real estate and real property shall have been charged or debited in the appropriate accounts of the City and all rents, license fees and other moneys collected by the City as a result of its operation of the lands, real estate and real property shall have been credited in such accounts. Any contract for repair, maintenance, management or operation made by the City on which it shall be liable, although payment thereon shall not have been made, shall be deemed a charge or debit to such accounts as though payment had been made. The amounts paid and collected by the City as shown in its accounts and the necessity for making the several payments and contracts to be charged as herein provided shall be conclusive upon the applicant.
- (6) Any and all costs and disbursements which shall have been awarded to the City, or to which it may have become entitled by operation of law, or which it may have paid or become liable for payment in connection with any litigation between it and the applicant or any person having an estate or interest in the lands, real estate and real property to be conveyed resulting directly or indirectly from the foreclosure by action in rem of the delinquent taxes affecting lands, real estate or real property.
- (7) Any and all rents, license fees and other moneys due and owing to the City, which on the date of the making of such conveyance shall not have been collected by it, and the right to collect and bring actions to collect the same shall be assigned, transferred and set over to the applicant by an instrument in writing. All rents collected by the City not needed to reimburse the City for fees as provided under Subsection E(5) hereof or costs and disbursements as provided under Subsection E(6) hereof shall be credited to the purchaser at the time of reconveyance.

F. A person who, in the promotion of his/her interests or to derive pecuniary benefit, gain or profit for himself/herself or for any person, association or corporation, shall solicit, induce or agree to cause or to cause any other person, association or corporation to apply for a conveyance pursuant to this section, and who gives or promises to give such applicant any consideration or other assistance in return for the applicant's promise or agreement to convey, transfer or assign the right, title and interest in the lands, real estate or real property subsequently to be conveyed to such applicant by the City pursuant to this section, or a person, officer or director of an association or corporation who, being entitled to apply for a conveyance pursuant to this section, in return for a consideration or other assistance by or accepted from another person, association or corporation not entitled to so apply, agrees to make such application and promises, or in any way binds himself/herself, to sell, transfer or assign his/her right, title and interest in the lands, real estate or real property subsequently to be conveyed to him/her by the City pursuant to this section, is guilty of a misdemeanor.

G. The right to apply for a conveyance by this section shall be the exclusive method by which any person, association or corporation which by this section shall be entitled to make application may secure a conveyance of such lands, real estate and real property.

H. The right for a person, association or corporation to apply for a reconveyance of a designated parcel of City surplus real property acquired by virtue of an in rem foreclosure proceeding shall be limited to two such applications with each application subject to City Council approval.

§ 83-7 Proposals.

A. When accepted. During the 30 days following the publication of the first newspaper advertisement pursuant to § 83-3D, proposals shall be accepted by the Bureau of Surplus Property on all surplus property owned by the City at that time.

B. Selective acceptance. At other times, as the Assessor shall decide, proposals may be accepted on selected parcels which have appeared in an advertisement in the official newspaper at least two times, giving notice that proposals will be accepted and when and where they may be submitted.

C. Form of proposal. Proposals submitted to the Assessor shall contain at least the following to be eligible for review:

- (1) A description of the proposed use and a plan for accomplishing said use.
- (2) A proposed purchase price.
- (3) A signed copy of the terms of sale and the statement required therein.
- (4) A signed commitment stating that the proposer is willing to make a contract with the City guaranteeing performance of the proposed plan.

~~D. Optional items~~ Additional Information. In addition to the items required in the proposal, the proposer ~~may will~~ also ~~include~~ provide the following ~~to enhance~~ information in connection with the application:

- (1) Past record of the proposer in rehabilitating or managing real property.
- (2) Amount of money promised to be invested in the property.
- (3) Source of financing.
- (4) Additional conditions proposer is willing to set for himself/herself.

E. Evaluation of proposals. Proposals shall be submitted to the Bureau of Surplus Property ~~which, with the assistance of the Department of Planning and Community Development and the Property Review Committee~~ shall evaluate the proposals, using the following criteria:

- (1) Whether the proposer would be an occupant of the building or, if not an occupant, would live near the property.
- (2) Whether there is a probability that the proposer will be successful in completing proposed improvements and maintaining the property.
- (3) Whether the proposal accords with the best use of the property.
- (4) Whether the proposal will be a benefit to neighborhood condition, appearance and property values.
- (5) Whether the proposal will result in the highest long-term tax return to the City.

F. Consideration by the City Council. The Bureau of Surplus Property shall make a recommendation to the City Council for approval or rejection of the proposal. As soon as possible after deadline for submission of proposals, the City Council shall vote on the proposal.

G. Proposal contracts. Within 30 days of the acceptance of the proposal by the City Council, the purchaser shall pay the purchase price and execute a contract setting forth the conditions of sale as outlined in the proposal and guaranteeing performance.

§ 83-8. Auctions.

A. Public auctions shall be conducted by the Bureau of Surplus Property after proposals are acted on by the City Council and throughout the year, as needed.

B. Property shall be sold as advertised, starting at the minimum bid.

C. The auction shall not be completed until a down payment is made by the high bidder. In the event the high bidder fails to make a down payment at the conclusion of the bidding, bidding shall commence at the last amount offered prior to being struck down.

§ 83-9. Private Sale.

A. Offers for private sale may be received by the Bureau of Surplus Property on any parcel at any time, but in no event will the offer be accepted by the City Council until the proposal period is over and there is no auction bid which has not yet been acted upon.

B. Owners of land adjacent to vacant land and to buildings which cannot be rehabilitated, and which the buyer agrees to demolish, on the surplus property list have first priority for private sale.

C. All private sales will be made for at least the appraised value as determined pursuant to § 83-3A.

D. At the request of a prospective purchaser, individual lots may be combined or divided, at the discretion of the City Assessor, to make more desirable property. Such new lots shall be appraised by the Assessor.

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE COL. ALBERT PAWLING MEMORIAL PARK

WHEREAS, the Col. Albert Pawling Memorial Statue Committee “Committee”) undertook extensive volunteer efforts to raise funds in the amount of \$68,000 necessary to pay for the creation and installation of a statue honoring Col. Albert Pawling, the first Mayor of Troy; and

WHEREAS, as a result of the Committee’s efforts a statue of Col. Pawling was created by sculptor, Patrick Piggott; and

WHEREAS, the project was brought to a successful completion with the installation of the statue in a small park located at the intersection of Congress Street and Pawling Avenue with a dedication ceremony held on April 15, 2015 as part of the City’s Bicentennial Celebration; and

WHEREAS, The Troy City Council previously recognized the efforts and contributions of the Committee members in Resolution # 32 of 2016; and

WHEREAS, the Statue is located on City-owned property that was previously designated the Col. Albert Pawling Memorial Park (“Park”) by City Council Resolution # 58 of 2014; and

WHEREAS, the Committee has now renamed itself the Friends of the Col. Albert Pawling Memorial Park (“The Friends”) and is in the process of pursuing its establishment as a Not For Profit Corporation under the laws of New York; and

WHEREAS, The Friends have limited funds available and are concerned regarding the temporary protection of the Statue and related improvements during the period of time that The Friends are engaged in the process of obtaining Not For Profit status as well as the maintenance of the Park and the ability of the Friends to provide for additional beautification of the Park; and

WHEREAS, THE City and The Friends have reviewed and discussed these concerns and have crafted an agreement to address those concerns.

NOW THEREFORE, BE IT RESOLVED, that the Mayor is authorized to finalize and enter into a Memorandum of Understanding with the Friends regarding the temporary ownership of the Statue and maintenance of the Park substantially in the form of the attached Memorandum of Understanding.

Approved as to form, August 30, 2016

Kevin P. Glasheen, Corporation Counsel

MEMO IN SUPPORT

The creation, installation and dedication of the Col. Albert Pawling Statue ("Statue") on April 15, 2016 was the result of a multi-year effort by a group of dedicated citizens of Troy known as the Col. Albert Pawling Memorial statue Committee ("Committee"). This effort was spearheaded by Adam Sanzone and Gary Pavlic. The Committee raised approximately \$68,000 in donations and hired noted sculptor Patrick Piggott to create the 7' tall bronze statue. The Statue is placed on a large granite bases with four bronze plaques. The dedication of the Statue honoring the first Mayor of the City was the opening event of Troy's Bicentennial Celebration.

The Statue has been installed on a small parcel of City-owned land located at the intersection of Congress Street and Pawling Ave. By Resolution # 58 of 2014, the City Council designated the parcel as the Col. Albert Pawling Memorial Park. The Statue occupies the position of prominence in the Park and provides a striking and beautiful addition to the cityscape in that area. The basic park maintenance is provided by Parks and Recreation personnel but the Committee members have also provided additional beautification to the Park.

With the installation of the Statue completed, the Committee's focus shifted to the issue of the protection and preservation of the Statue and the continued beautification of the Park. The Committee has now renamed itself The Friends of the Col. Albert Pawling Memorial Park ("The Friends"). The Friends are in the process of pursuing Not For Profit Corporation status under the laws of New York which will, among other things, enable The Friends to obtain insurance to cover the Statue. They are currently drafting their bylaws for this purpose. The Friends have expressed a concern regarding the interim protection of the Statue while the Not For Profit process is under way.

As a temporary protective measure, the City will assume ownership of the Statue so that it can be covered on the City's property insurance policy until such time as The Friends achieve Not For Profit Corporation status and have their insurance policy in place. In the proposed Memorandum of Understanding, the City makes a very limited commitment to spend up to \$2500 for a repair of the Statue in the event there is no insurance coverage available. The agreement permits The Friends to clean the Statue and to correct any cosmetic damage to the statue, such as graffiti. It also authorizes The Friends to continue to provide for additional beautification of the Park.

The proposed Memorandum of Understanding provides a reasonable solution to the concerns raised by The Friends and affords short-term protection to a valuable addition and improvement to the cityscape in that area. Accordingly, it is recommended that the resolution be approved by the City Council.

MEMORANDUM OF UNDERSTANDING

WHEREAS, the Col. Albert Pawling Memorial Statue Committee (“Memorial Statue Committee”) was responsible for the funding for the creation of the Col. Albert Pawling Statue (“Statue”) which includes the 7’ bronze statue itself, a large granite base and four bronze plaques on the granite base; and

WHEREAS, the aforesaid statue has been installed on a parcel of land owned by the City of Troy (“Troy”) and located at the intersection of Congress Street and Pawling Avenue in the City with Tax Map number 101.75-4-17.2; and

WHEREAS, the Troy City Council by Resolution # 58 of 2014, designated the above parcel as the Col. Albert Pawling Memorial Park; and

WHEREAS, by the same resolution, the Troy City Council also authorized the commitment of additional materials to beautify the Park; and

WHEREAS, Memorial Statue Committee has been renamed the Friends of the Col. Albert Pawling Memorial Park (“the Friends”); and

WHEREAS, the Friends are in the process of establishing the group as a Not For Profit Corporation pursuant to the laws of New York; and

WHEREAS, The Friends have limited funds available subsequent to the payment of funds for the creation and installation of the Col. Pawling Statue; and

WHEREAS, THE Friends are concerned regarding the temporary protection of the statue while The Friends are pursuing Not For Profit status; and

WHEREAS, the City and The Friends wish to provide for the interim protection of the Statue and for the maintenance of the park in which it is located.

NOW, THEREFORE, the City and the Friends, agree as follows:

1. As of the date of this Memorandum of Understanding, the City will assume ownership of the Statue, two (2) entrance posts and finials, solar panel and lighting system, the fence park sign and the free standing park sign on a temporary basis until such time as the Friends become a duly organized Not For Profit Corporation.
2. The City will accept full ownership of the Statue and the Statue will be covered under the City’s Property Insurance Policy or such other policies as may be applicable.
3. Upon becoming a duly organized Not For Profit Corporation, the Friends will resume ownership of the Col. Albert Pawling Statue and its maintenance, including appropriate insurance coverage.
4. The City will repair damages to the Statue to the extent that funds from insurance policies are available to do so. In the event that there are no insurance funds available, the City will required to spend no more than \$2500 for the repair of said Statue during the period of its ownership.

5. The Friends will be responsible to correct any cosmetic damage, such as graffiti, to the surface of the Statue.
6. The City will maintain the Park in accordance with the standard policies, procedures and maintenance schedules established the City's Department of General Services.
7. The Friends will clean the Statue on a periodic basis and shall be free to provide such additional beautification to the Col. Pawling Memorial Park as they deem advisable.
8. The Friends will have full ownership and responsibility relating to improvements at the grave site of Col. Albert Pawling in the Old Mount Ida Cemetery and the City shall no responsibilities whatsoever for any improvements relating to said grave site in the cemetery.
9. Each of the parties to this Memorandum of Understanding represent that they have full authority to sign this agreement and to bind the City and The Friends respectively.
10. This Memorandum of Understanding may not be changed orally and all changes must be in writing signed by both parties.

IN WITNESS WHEREOF, the undersigned parties have executed this Memorandum of Understanding on the respective dates indicated below.

By: _____
Wm. Patrick Madden
Mayor

By: _____
Adam J. Sanzone
Chairman

**RESOLUTION ENDING THE TEMPORARY MORATORIUM ON THE CONVEYANCE OF
CITY-OWNED SURPLUS REAL ESTATE PARCELS**

WHEREAS, pursuant to Resolution # 78 of 2016 approved by the City Council at its regular meeting on August 4, 2016, a temporary 90 day moratorium was placed on the conveyance of City-owned surplus real estate parcels; and

WHEREAS, the purpose of this moratorium was to permit the City Council to conduct a review of all policies, procedures and legislation relating to City-owned surplus real estate parcels including the utilization and improvement of right of reacquisition (reverter) clauses and the release of such right of reacquisition (reverter) clauses; and

WHEREAS, that review has now been conducted and completed with various recommendations for changes and improvements having been incorporated into the Surplus Real Property Sales Procedure as set forth in Chapter 83 of the Troy City Code as well as changes and improvements to the right of reacquisition contained in City Quit Claim deeds and the release of same; and

WHEREAS, the City Council is satisfied that the purpose of the temporary 90 day moratorium has been achieved.

NOW, THEREFORE, BE IT RESOLVED, that the temporary 90 day moratorium on the conveyance of City-owned surplus real estate parcels is hereby ended.

Approved as to form, September 19, 2016

Kevin P. Glasheen, Corporation Counsel