

**REGULAR MEETING
CITY COUNCIL
December 6, 2007**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

Ordinance No. 1 **Date** December 6, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

ORD. #1

**ORDINANCE AMENDING THE 2007 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL FUND BUDGET LINES**

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

Section 1. The City of Troy 2007 GENERAL FUND budget is herein amended and set forth in Schedules "A" & "B" entitled:

December 2007 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, November 9, 2007

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date December 6, 2007
Introduced by Council Member Bauer
At the request of Administration Seconded by Krogh

ORD. #2

**ORDINANCE AMENDING THE 2007 GENERAL FUND CITY BUDGET
TO ACCEPT COLLECTED ASSESSOR’S FEES REVENUE AND ALLOCATE TO EXPENSES FOR
THE FORECLOSURE PROCESS**

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

Section 1. The 2007 City General Fund Budget is hereby amended to accept Assessor’s Fees revenue and modify appropriations within the 2007 Assessor’s Operating Budget as provided in Schedule “A” entitled:

“2007 Budget Amendment – Assessor’s Office”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, November 9, 2007

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date December 6, 2007
Introduced by Council Member Bauer
At the request of Administration Seconded by McGrath

ORD. #3

**ORDINANCE AMENDING THE 2007 SPECIAL REVENUE FUND
TO SET UP AN ACCOUNT TO ACCEPT A \$200,000 GRANT AND AUTHORIZE
APPROPRIATIONS PURSUANT TO THE TERMS AND CONTENT OF THE COMBINED SEWER
OVERFLOW LONG-TERM CONTROL PLAN.
AS AUTHORIZED BY RESOLUTION #5 OF THE SEPTEMBER 6, 2007
CITY COUNCIL AGENDA**

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

Section 1. Ordinance amending the 2007 special revenue fund to set up an account to accept a \$200,000 grant and authorize appropriations pursuant to the terms and content of the combined sewer overflow long-term control plan. As authorized by resolution #5 of the September 6, 2007 City Council agenda,

As provided in schedule "A" entitled:

"2007 Special Revenue Budget Account CSO long-term control plan"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, November 9, 2007

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 **Date** December 6, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Wojcik
Motion to TABLE by Council Member Campana **Seconded by** Ryan

**ORDINANCE AMENDING THE CITY'S
NON-REPRESENTED EMPLOYEES' POLICY**

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

Section 1. The City of Troy has previously legislation to enact a policy setting forth the wages, benefits, working conditions and other terms of employment for all City employees who are not represented by a bargaining unit.

Section 2. Said policy calls for periodic review and update.

Section 3. The City of the City of Troy hereby amends the City's Non-Represented Employees' Policy as set forth in Schedule "A" attached hereto, made a part hereof and incorporates the entire Non-Representative Policy into this Ordinance.

Section 4. This law shall take effect immediately and the Mayor, as Chief Executive Officer of the City of Troy, shall be authorized to immediately implement said policy, as amended.

Approved as to form, November 9, 2007

David B. Mitchell, Corporation Counsel

Motion to TABLE Ordinance FAILED by the following vote:

Ayes: 4

Noes: 5 – Wojcik, McGrath, Krogh, Collier, Bauer

Abstain: 0

Ordinance ADOPTED by the following vote:

Ayes: 5

Noes: 4 – Ryan, Dunne, Campana, DerGurahian

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date December 6, 2007

Introduced by Council Member Bauer

At the request of Administration Seconded by Krogh

**ORDINANCE AUTHORIZING THE DISCONTINUANCE AND SALE
OF THE ALLEY OFF OF LAVIN COURT**

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

Section 1. The Alley off of Lavin Court, Tax Map # 101.32-3, more accurately defined by the survey, attached hereto and made a part hereof, is hereby discontinued, declared surplus property and is hereby authorized to be sold to Hoosick Street Hospitalities, LLC for \$1,000.

Section 2. This act shall take effect immediately.

Approved as to form, November 9, 2007

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 Date December 6, 2007

Introduced by Council Member Bauer

At the request of Administration Seconded by DerGurahian

ORD. #6

**ORDINANCE AUTHORIZING THE CITY TO ACCEPT OWNERSHIP OF WASHINGTON PLACE
AND TO EXECUTE THE MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF
WASHINGTON PARK**

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

Section 1. The current owners of Washington Place have offered a “Quit Claim” deed to the City of Troy, for the Washington Place Roadbed, in an effort to allow the City to accept ownership of the Washington Place Roadbed.

Section 2. The City of Troy desires to work in partnership with the Friends of Washington Park to restore, rebuild and reconstruct the Belgian Block Roadbed identified as Washington Place.

Section 3. To advance this initiative, the City must demonstrate clear, clean and unconditional title and ownership to the Washington Place Roadbed, and accepting this Quit Claim deed will accomplish this objective.

Section 4. Upon acceptance of ownership of the roadbed by the City, the roadbed shall then be public property and expending public monies to assist in the restoration of the Roadbed shall be lawful.

Section 5. Additionally, the Friends of Washington Park proposes to restore this roadbed, in partnership with the City, as defined in the Memorandum of Agreement, attached hereto and made a part hereof.

Section 6. This act shall take effect immediately.

Approved as to form, November 9, 2007

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Not Endorsed, returned 12-20-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 7 **Date** December 6, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

ORD. #7

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FULL RELEASE AND SATISFACTION OF ALL LIENS, ENCUMBRANCES AND ATTACHMENTS THE CITY OF TROY HAS – INCLUDING THE UGDAG AND SECTION 108 LOAN - AS AGAINST THE RIVER TRIANGLE (264-276 RIVER STREET) AND DAUCHY BUILDING (275-283 RIVER STREET)

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

Section 1. The City of Troy- in 1988 – entered into an agreement with the River Triangle partners for the purchase, sale, reconstruction, restoration and renovation of the Dauchy and River Triangle Buildings located at 264 – 276 River Street and 275-283 River Street, as defined in schedule “A” attached hereto and made a part hereof.

Section 2. As part of that agreement, the City authorized and participated in a UDAG Grant, No. B-88-AA-36-0526 and a HUD Section 108 Loan, both attached hereto as schedule “B” and made a part hereof.

Section 3. David Bryce and Dan Yamin of Cornerstone Communications have entered into a purchase and sale contract with the River Triangle partners for the purchase of both the River Triangle and Dauchy buildings.

Section 4. The purchasers of the Dauchy and River Triangle buildings would like to pay the City of Troy a cash payment of Two (2) million dollars and make the balance of the payments due under the section 108 loan on behalf of the City of Troy, marked as schedule “C” attached hereto and made a part hereof.

Section 5. The summary of all outstanding amounts owed to the City of Troy under this 1988 transaction is provided in Schedule “D” attached hereto and made a part hereof.

Section 6. The purchasers, as defined herein above proposed to pay the City of Troy the 2 Million cash payment and make all the final payments under the Section 108 loan in full satisfaction of all liens, notes, mortgages, attachments and encumbrances the City may have a s against both the River Triangle and Dauchy Buildings.

Section 7. The City Council hereby authorizes the Mayor to execute all documents necessary to release any and all liens, attachments, notes, mortgages, and encumbrances the City has as against the River Triangle and Dauchy buildings.

Section 8 This act will take effect immediately.

Approved as to form, November 19, 2007

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Not Endorsed, returned 12-20-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 8 Date December 6, 2007
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Collier/Wojcik

ORD. #8

**ORDINANCE AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALES CONTRACT
 OF REAL PROPERTY OWNED BY THE CITY OF TROY**

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

Section 1. The City Council of the City of Troy, pursuant to Charter Section C-73(B), hereby determines that the real property parcel owned by the City of Troy- identified by tax map # 101.46—3-2, a 2.09 acre parcel, is no longer needed for City purposes.

Section 2. An appraisal of the parcel was prepared for the City of Troy by Conti Appraisal & Consulting, LLC, 614 Route 9W, Glenmont, New York and a copy of the appraisal, indicating a fair market value of \$390,000 for this parcel, was provided to all City Council Members on Thursday November 15, 2007.

Section 3. At the regular City Council Finance Committee meeting, held on November 15, 2007, the Troy City Council- by oral resolution- voting 9-0- authorized the Corporation Counsel to negotiate and prepare a proposed purchase and sale agreement for the sale of the real property identified hereinabove, to a particular purchaser for a stipulated sum, to be sold for the development of a commercial office building for SEFCU operations at this location.

Section 4. A copy of the proposed purchase and sale contract, reflecting an offering price of \$400,000.00, was delivered to the Chair of the Planning Committee who held a Planning Committee Meeting on the review of this contract on Tuesday November 27, 2007, wherein the Planning Committee voted to move the approval of this contract onto the full City Council agenda for a vote on Thursday December 6, 2007.

Section 5. The City Council hereby approves and authorizes the Mayor to execute the proposed contract, in substantial conformance with the contract attached hereto as schedule "A" and made a part hereof, at a purchase and sale price of \$400,000.00- an offering price the Council hereby has determined to be in excess of the fair market value of the parcel- with the contractual condition that in the event the parcel defined herein is determined to be State Parkland, the purchaser and seller must be granted legislative approval by the State of New York prior to the property being sold.

Section 6. This act will take effect immediately.

Approved as to form, November 29, 2007

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 6

Noes: 3 – Dunne, Campana, DerGurahian

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date December 6, 2007
Introduced by Council Member Bauer
At the request of Administration Seconded by Wojcik

RES. # 1

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule “A”, attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule “A”.

Approved as to form, February 26, 2008

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date December 6, 2007
Introduced by Council Member Bauer
At the request of Administration Seconded by Wojcik

RES. #2

RESOLUTION APPOINTING VITO CICCARELLI TO THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF TROY

WHEREAS, Vito Ciccarelli, residing at 894 9th Avenue, Troy, New York, desires to serve the City of Troy and its property owners as a member of the Board of Assessment Review and possesses the credentials to serve with competence, diligence and dedication; and

WHEREAS, Mr. Ciccarelli will serve a five (5) year term in office and will fill the vacancy created when the term of Richard Herrick which expired on September 30, 2007, and it is the sense of this Legislative Body that Vito Ciccarelli should be appointed to fill this vacancy.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Section 523 of the Real Property Tax Law, Vito Ciccarelli is hereby appointed to the Board of Assessment Review for a term of five (5) years, to commence January 1, 2008 and will expire September 30, 2012.

Approved as to form, December 7, 2007

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 6
Noes: 3 – Dunne, Campana, DerGurahian
Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 **Date** December 6, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath

RES. #3

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE SNOW REMOVAL AND ICE CONTROL AGREEMENT WITH RENSSELAER COUNTY

WHEREAS, as with past agreements between the City and the County for snow removal and ice control on Oakwood Avenue, the County and the City would like to enter into a similar agreement for the 2007 – 2008 winter season, in substantial conformance with the agreement attached hereto as schedule “A” and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, that, the Mayor is authorized to execute the snow removal and ice control agreement, in substantial conformance with the agreement attached hereto as schedule “A” and made a part hereof.

Approved as to form, November 13, 2007

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 **Date** December 6, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath

RES. #4

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH CLEARWIRE US LLC, TO LEASE SPACE ON THE UPPER HIGH SERVICE WATER TANK ON TIBBITTS AVENUE FOR THE PLACEMENT OF TELECOMMUNICATIONS EQUIPMENT.

WHEREAS, The Mayor, on behalf of the City of Troy, is hereby authorized to execute a lease agreement with Clearwire US LLC, substantially in the form of schedule “A”, attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, the Mayor, on behalf of the City of Troy, is hereby authorized to execute a lease agreement with Clearwire US LLC, substantially in the form of schedule "A", attached hereto and made a part hereof.

Approved as to form, November 13, 2007

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 **Date** December 6, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh/Ryan

RES. #5

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BOLLAM, SHEEDY, AND TORANI & CO. LLP FOR INDEPENDENT AUDITING SERVICES FOR THE CITY OF TROY'S 2007, 2008, and 2009 FISCAL YEARS

WHEREAS, it is in the best interest of the City of Troy to contract with Bollam, Sheedy, and Torani & Co. LLP to independently audit all aspects of the City's financial statements in compliance with generally accepted accounting principles, government auditing standards issued by the Comptroller General of the United States, and the provisions of the Single Audit Act, OMB Circular A-133 and OMB's compliance supplement; and

WHEREAS, the City of Troy has gone out for a request for Proposal for Auditing Services for fiscal years 2007, 2008, and 2009.

WHEREAS, The City Comptroller's Office has reviewed all submitted proposals, and has determined that the proposal submitted by Bollam, Sheedy, and Torani & Co., LLP best meets the City's auditing needs and

therefore recommends that the City Council authorize the Mayor to enter into an agreement for auditing services for fiscal years 2007, 2008, and 2009;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the Mayor to enter into an agreement with Bollam, Sheedy, and Torani & Co. LLP for independent auditing services for the City of Troy’s 2007, 2008, and 2009 fiscal years.

Approved as to form, November 15, 2007

David Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

Resolution No. <u>6</u>	Date <u>December 6, 2007</u>
Motion to add by Council President <u>Bauer</u>	Seconded by <u>Campana/Dunne</u>
Introduced by Council President <u>Bauer</u>	Seconded by <u>Campana/Dunne</u>

RES. #6

RESOLUTION COMMENDING CAROLIN COLLIER-SKRIPTSHAK FOR DISTINGUISHED SERVICE TO THE CITY OF TROY

WHEREAS, on the 31st day of December, 2007, Carolin Collier-Skriptshak will be leaving the Troy City Council; and

WHEREAS, Carolin Collier-Skriptshak served the citizens of Troy with distinction and dedication.

NOW THEREFORE BE IT RESOLVED, that the Troy City Council does hereby pause in its deliberations to honor and commend Carolin Collier-Skriptshak for the years of service she rendered in the best interests of the citizens of the City of Troy; and

BE IT FURTHER RESOLVED, that the Troy City Council transmit a copy of this resolution, suitably engrossed, to Carolin Collier-Skriptshak as a token of appreciation.

Resolution ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

Resolution No. <u>7</u>	Date <u>December 6, 2007</u>
Motion to add by Council President <u>Bauer</u>	Seconded by <u>Campana/Dunne</u>
Introduced by Council President <u>Bauer</u>	Seconded by <u>Campana/Dunne</u>

RES. #7

RESOLUTION COMMENDING ROBERT KROGH FOR DISTINGUISHED SERVICE TO THE CITY OF TROY

WHEREAS, on the 31st day of December, 2007, Robert Krogh will be leaving the Troy City Council; and

WHEREAS, Robert Krogh served the citizens of Troy with distinction and dedication.

NOW THEREFORE BE IT RESOLVED, that the Troy City Council does hereby pause in its deliberations to honor and commend Robert Krogh for the years of service he rendered in the best interests of the citizens of the City of Troy; and

BE IT FURTHER RESOLVED, that the Troy City Council transmit a copy of this resolution, suitably engrossed, to Robert Krogh as a token of appreciation.

Approved as to form, November 30, 2007

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

Resolution No. <u>8</u>	Date <u>December 6, 2007</u>
Motion to add by Council President <u>Bauer</u>	Seconded by <u>Campana/Dunne</u>
Introduced by Council President <u>Bauer</u>	Seconded by <u>Campana/Dunne</u>

RES. #8

RESOLUTION COMMENDING MARJORIE MAHAR DERGURAHIAN FOR DISTINGUISHED SERVICE TO THE CITY OF TROY

WHEREAS, on the 31st day of December, 2007, Marjorie Mahar DerGurahian will be leaving the Troy City Council; and

WHEREAS, Marjorie Mahar DerGurahian served the citizens of Troy with distinction and dedication.

NOW THEREFORE BE IT RESOLVED, that the Troy City Council does hereby pause in its deliberations to honor and commend Marjorie Mahar DerGurahian for the years of service she rendered in the best interests of the citizens of the City of Troy; and

BE IT FURTHER RESOLVED, that the Troy City Council transmit a copy of this resolution, suitably engrossed, to Marjorie Mahar DerGurahian as a token of appreciation.

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-07-07 for Executive Action – Approved, returned 12-07-07

Motion to adjourn by Bauer

Meeting adjourned at 8:35pm.