

**REGULAR MEETING
CITY COUNCIL
March 6, 2008**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. ZALEWSKI, MR. GALUSKI, MR. BROWN, MR. BAUER,
PRESIDENT CAMPANA
ABSENT:

LOCAL LAW #1

TO PUBLIC HEARING

**LOCAL LAW NO. 1 (INTRO #1) FOR 2008 ADDING
CHAPTER 159 TO THE TROY CITY CODE
ENTITLED "EROSION, SEDIMENT CONTROL AND STORM WATER MANAGEMENT"**

Local Law No. 1 Date March 6, 2008
Introduced by Council Member President Campana Motion _____
At the request of Administration Seconded by _____

LOCAL LAW # 2

TO PUBLIC HEARING

**LOCAL LAW # 2 (INTRO # 2) FOR 2008 TO CREATE
THE CITY COUNCIL CHARTER REVIEW COMMISSION**

Local Law No. 1 Date March 6, 2008
Introduced by Council Member President Campana Motion _____
At the request of Administration Seconded by _____

Ordinance No. 1 Date March 6, 2008
Introduced by Council Member President Campana Motion Dunne
At the request of Administration Seconded by McGrath

ORD. #1

**ORDINANCE AUTHORIZING THE APPROPRIATION FROM THE CITY OF TROY 2006 RESERVED FUND BALANACE
(CAPITAL RESERVE) AND AMENDING THE 2008 CAPITAL, GENERAL AND WATER FUND BALANCES FOR THE PURPOSE
OF FUNDING AND APPROPRIATING THE 2008 CAPITAL AS APPROVED ESTABLISHING A STREET PAVING CAPITAL
PROJECT ACCOUNT AND VARIOUS CAPITAL AND VEHICLE AND EQUIPMENT PURCHASES.**

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

Section 1 .

The City of Troy 2008 CAPITAL, WATER, AND GENERAL FUND BUDGETS are herein amended
as set forth in Schedule A entitled :

2008 Capital Reserve Capital Projects

which is attached hereto and made a part hereof

Section 2 . This act will take effect immediately .

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X Date 3/19/08
Veto _____ Not Endorsed _____
Mayor _____

Ordinance No. 2 Date March 6, 2008
Introduced by Council Member President Campana Motion Galuski
At the request of Administration Seconded by Dunne

ORD. #2

ORDINANCE AMENDING THE 2008 SPECIAL REVENUE FUND TO SET U P AN ACCOUNT TO ACCEPT GRANT MONIES FROM DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE ENVIRONMENTAL PROTECTION FUND, AND THE RESTORE NY (2006) PROGRAM FOR THE PURPOSE OF DESIGN, ENGINEERING, AND OTHER CONSULTING SERVICES FOR THE SCOLITE HUDSON RIVER ESTUARY PROJECT

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

Section 1. The 2008 Special Revenue Budget is hereby amended to accept
• grants monies from Department of Environmental Conservation, the Environmental Protection Fund, and the Restore NY (2006) program for the purpose of design, engineering, and consulting services for the Scolite Hudson River Estuary project as provided in schedule "A" entitled :

"Scolite Hudson River Project "

which is attached hereto and made a part hereof .

Section 2. This act shall take effect immediately .

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X Date 3/19/08
Veto _____ Not Endorsed _____
Mayor _____

Ordinance No. 3 Date March 6, 2008
Introduced by Council Member President Campana Motion McGrath
At the request of Administration Seconded by Wojcik

ORD. #3

**ORDINANCE AMENDING CHAPTER 216 - "PARKS AND RECREATION" BY
REVISING SECTIONS 216-7, 216-8 AND 216- 9**

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

Section 1 . Chapter 216 of the Troy City Code, identified as "Parks and Recreation" is hereby revised by amending sections 216-7, 216-8 and 216-9 by replacing those existing sections, as defined hereinabove, with those modified sections as identified in appendix "A", attached hereto and made a part hereof .

Section 2 . This act will take effect immediately.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X Date 3/19/08
Veto _____ Not Endorsed _____
Mayor _____

Ordinance No. 4 Date March 6, 2008
Introduced by Council Member President Campana Motion Zalewski
At the request of Administration Seconded by Brown

ORD. #4

**ORDINANCE ENACTING A MORATORIUM ON CERTAIN SECTIONS
WITHIN CHAPTER 285 "ZONING" OF THE TROY CODE OF ORDINANCES
BY PROHIBITING: THE SUBDIVISION OF RESIDENTIAL STRUCTURES ;
THE CONVERSION OF GARAGES, CARRIAGE HOUSES OR SECONDARY
STRUCTRES TO RESIDENTIAL UNITS; THE INCREASE IN THE NUMBER
OF BEDROOMS IN AN EXISTING RESIDENTIAL UNIT**

- Section 1 . Notwithstanding any other provision of the Troy City Code of Ordinances to the contrary, no residential structure shall be granted permit or approval to increase the number of residential units beyond that which currently exist in said residential structure.
- Section 2. Additionally, no permit shall be granted to convert a carriage house, garage or any secondary structure into a residential unit.
- Section 3 . Finally, no existing residential structure shall be granted permit or approval to increase the number of bedrooms within the existing structure and/or to add additional bedrooms within the existing footprint of the residential structure.
- Section 4 . The City Council of the City of Troy has enacted this moratorium on the approval and permitting of the above for a one-year period while issues surrounding the need for this moratorium are studied and permanent changes are made to Chapter 285.
- Section 5 . This ordinance shall take effect immediately and expire on March 31, 2009.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance ADOPTED by the following vote:

Ayes: 9
 Noes: 0
 Abstain: 0

Troy City Clerk
 Sent to the Mayor 03/07/2008
 Received from the Mayor 3/20/08
 City Clerk _____

Executive Action
 Approved X Date 3/19/08
 Veto _____ Not Endorsed _____
 Mayor _____

Ordinance No. 5 Date March 6, 2008
 Introduced by Council Member President Campana Motion
 At the request of Administration Seconded by _____

ORD. # 5

Ordinance (previously Ord #4 2-7-08) Amending the 2008 City Budget to transfer Funds within the General Fund Budget Lines.

Ordinance ADOPTED by an OVERRIDE of the following vote:

Ayes: 6
 Noes: 3 Wojcik, McGrath, Bauer
 Abstain: 0

OVERRIDE – NO EXECUTIVE ACTION NECESSARY

Troy City Clerk
 Sent to the Mayor N/A
 Received from the Mayor N/A

Executive Action
 Approved _____ Date _____
 Veto _____ Not Endorsed _____

City Clerk _____

Mayor N/A

ORD. #6

Ordinance (previously Ord #9 2-7-08) Amending the City's non-Represented Employees' Policy

Ordinance ADOPTED by an OVERRIDE of the following vote:

Ayes: 6
Noes: 3 Wojcik, McGrath, Bauer
Abstain: 0

OVERRIDE – NO EXECUTIVE ACTION NECESSARY

Troy City Clerk
Sent to the Mayor N/A
Received from the Mayor N/A
City Clerk _____

Executive Action
Approved _____ Date _____
Veto _____ Not Endorsed _____
Mayor N/A

Ord # 7

Appointment of One (1) Part-Time Position from the Full-Time Position of Assistant to the City Clerk

Ordinance reassigning the position of Assistant to the City Clerk with a budgeted salary of \$6,500 to one (1) Part-Time position as Assistant to the City Clerk and appointing Twila Mattson to that Part-Time position at a salary of \$6,500.

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved _____ Date 3/19/08
Veto X Not Endorsed _____
Mayor _____

ORD. #8

ORDINANCE AUTHORIZING THE RECONVEYANCE OF REAL PROPERTY TAKEN BY THE CITY OF TROY THROUGH THE IN-REM FORECLOSURE PROCESS

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

Section 1 . The city of Troy, through the in-Rem Foreclosure process, by Court order and treasurer's Deed, took legal title to real property located at 20 W. Sunnyside (S/B/L:#90.63-603).

Section 2 . Pursuant to City code section 83-5, "Reconveyance of foreclosure property", former owner, Mr. Babiker Awad, tendered application for reconveyance and a copy of his application is attached hereto and made a part hereof.

Section 3 . Pursuant to City Code section 83-5(A), the City Council, in its discretion, may convey all of the property, right, title and interest of the City in any property hereinafter acquired by the City by virtue of any In-Rem foreclosure action, to any person...which...had been vested with title thereto. A copy of City code section 83-5(A) is also attached hereto and made a part hereof.

Section 4 . The City Council of the City of Troy hereby authorizes the reconveyance of the above defined real property, by quit claim deed, to former owner, Mr. Babiker Awad, as soon as practicable.

Section 5 . This act will take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X **Date** 3/19/08
Veto _____ **Not Endorsed** _____
Mayor _____

ORD. #9

ORDINANCE RATIFYING THE MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF TROY AND THE TROY POLICE BENEVOLENT AND PROTECTIVE ASSOCIATION.

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

Section 1 . On February 22, 2008 Mayor Harry J. Tutunjian and PBA President Robert Fitzgerald executed the Memorandum of Agreement by and between the City of Troy and the Police Benevolent and Protective Association (PBA) for fiscal years 2005 through 2010.

Section 2 . The Memorandum of Agreement, attached hereto and made a part hereof, modifies the January 1, 2004 to December 31, 2004 Collective Bargaining Agreement by and between the parties.

Section 3 . The entirety of subsection 3, identified as "Residency", in the Memorandum of Agreement, which is attached hereto and made a part hereof, shall replace Section 79-4 of the Troy City Code, entitled "residency requirement for members of the police department", in its entirety.

Section 4. On Monday March 3, 2008 the PBA ratified the attached Memorandum of Agreement and upon ratification of the same by the Troy City Council, the Memorandum of Agreement shall become the new collective bargaining agreement..

Section 5. This act will take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X **Date** 3/19/08
Veto _____ **Not Endorsed** _____
Mayor _____

RES. # 1

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, a s 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".

Commissioner of Deeds
Appointed March 6, 2008
Term Begins 04/01/2008 to 03/31/2010

<u>Begin</u>	<u>Name</u>	<u>Address</u>	<u>Expire</u>
4/1/2008	Brearton Cydne	1 Monument Square	3/31/2010
4/1/2008	Carley Richard W.	12 Adars Road	3/31/2010
4/1/2008	Connelly DianaLynn	2215 Burdett Avenue	3/31/2010
4/1/2008	Conroy Catherine	549 Fifth Avenue	3/31/2010
4/1/2008	Manupella Michael P.	107 Calhoun Drive	3/31/2010
4/1/2008	Raymond Phylis M .	738 Third Avenue	3/31/2010
4/1/2008	Sullivan Joyce	Congress & Second Sts	3/31/2010
4/1/2008	Wade Thomas W.	245 Fifth Avenue	3/31/2010

Resolution ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X **Date** 3/19/08
Veto _____ **Not Endorsed** _____
Mayor _____

**RESOLUTION IN SUPPORT FOR THE TROY PUBLIC LIBRARY' S
PLANS TO RE-CHARTER AS A SPECIAL DISTRICT PUBLIC LIBRARY
PURSUANT TO NEW YORK STATE CODE**

WHEREAS, the Troy Public Library is currently chartered by the New York State Board of Regents, and

WHEREAS, under the current structure, the City of Troy provides annual financial assistance to the Troy Public Library through a city budget line item, and

WHEREAS, Paul Hickok, Executive Director of the Troy Public Library, has requested the City Council pass a resolution in support of the efforts of the Troy Public Library to be re-chartered as a "Special District Public Library", and

WHEREAS, this re-chartering will authorize and allow the Troy Public Library to assess a separate annual tax, upon the all taxable parcels of real property within the City of Troy, to fund the annual budget of the Troy Public Library .

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby expresses support for the Troy Public Library's plans to re-charter as a "Special District Public Library" pursuant to New York State Law and hereby urges the State Senate and Assembly to pass the requisite legislation to establish this Special District Public Library .

Resolution ADOPTED by the following vote:

Ayes: 6
Noes: 3 – Wojcik, McGrath, Bauer
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved _____ **Date** 3/19/08
Veto _____ **Not Endorsed** X
Mayor _____

**RESOLUTION DIRECTING THE PREPARATION OF A DISTRICT PLAN FOR
A BUSINESS IMPROVEMENT DISTRICT FOR THE CENTRAL BUSINESS
DISTRICT (CBD) WITHIN THE CITY OF TROY**

WHEREAS, The City of Troy, by Local Law #1 for the year 2003, provided that the provisions of General Municipal Law Article 19-A were locally adopted and applied to the establishment and extension of business improvements districts in the City of Troy, and

WHEREAS, General Municipal Law Section 980-d provides that the legislative body may provide for the preparation of a district plan, and

WHEREAS, the City Council of the City of Troy has deemed it desirable to prepare a district plan for the Central Business District (CBD) of the City of Troy, as reflected in Appendix "A" attached hereto and made a part hereof .

NOW THEREFORE BE IT RESOLVED, that the Troy Downtown Collaborative shall prepare a district plan for a Business Improvement District (BID) comprising the Central Business District (CBD) of the City of Troy as depicted in appendix "A", attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the entire cost of preparing the plan is an expense of the Troy Downtown Collaborative .

Resolution ADOPTED by the following vote:

Ayes: 6
Noes: 3 – Wojcik, McGrath, Bauer
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X **Date** 3/19/08
Veto _____ **Not Endorsed** _____
Mayor _____

RES. #4

**RESOLUTION CONFIRMING THE APPOINTMENT OF
SONDRA LITTLE TO THE POSITION OF
COMMISSIONER OF PLANNING AND COMMUNITY DEVELOPMENT**

WHEREAS, Section C-51 of the Troy City Charter states that all appointments by the Mayor shall be made in writing and filed in the Office of City Clerk ; and

WHEREAS, Section C-50 of the Troy City Charter states that the Mayor's appointment of all department heads shall be subject to confirmation by the City Council ; and

WHEREAS, Section C-82 of the Troy City Charter states that there shall be a Commissioner of Planning and Community Development ; and

WHEREAS, the Mayor has appointed Sondra Little to the position of Commissioner of Planning and Community Development ; and

WHEREAS, Ms . Sondra Little appears to the City Council to be well qualified for the position of Commissioner of Planning and Community Development .

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby confirm the Mayor's appointment of Sondra Little to the position of Commissioner of Planning and Community Development .

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Dunne
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X Date 3/19/08
Veto _____ Not Endorsed _____
Mayor _____

RES. #5

**RESOLUTION CONFIRMING THE RE-APPOINTMENT OF
TINA DIMITRIADIS TO THE POSITION OF
ASSESSOR OF THE CITY TROY**

WHEREAS, Section C-51 of the Troy City Charter states that all appointments by the Mayor shall be made in writing and filed in the Office of City Clerk ; and

WHEREAS, Section C-50 of the Troy City Charter states that the Mayor's appointment of all department heads shall be subject to confirmation by the City Council ;and

WHEREAS, Section C-65 of the Troy City Charter states that there shall be a City Assessor who shall be the head of the Bureau of Assessments who shall serve a term of office pursuant to Section 310(2) of the Real Property Tax Law (RPTL), which is six years ; and

WHEREAS, the Mayor has re-appointed Tina Dimitriadis to the position of City Assessor for a term commencing October 1, 2007 and ending September 30, 2013 ; and

WHEREAS, Ms. Tina Dimitriadis appears to the City Council to be well qualified to continue in the position of City Assessor .

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby confirm the Mayor's re-appointment of Tina Dimitriadis to the position of City Assessor .

Resolution ADOPTED by the following vote:

Ayes: 8
Noes: 1 - Dunne
Abstain: 0

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X Date 3/19/08
Veto _____ Not Endorsed _____
Mayor _____

RES. # 6

**RESOLUTION SETTING DATES OF REGIONAL INFORMATIONAL MEETINGS OF THE CITY
COUNCIL**

WHEREAS the Troy City Council is required by City of Troy City Charter § C-29, to convene two informational meetings per year;

WHEREAS these meetings have been traditionally held at City Hall;

WHEREAS it is the desire of this City Council to be as available to the public as possible;

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § C-30 of the City of Troy City Charter, the City Council of the City of Troy hereby designates:

Thursday, March 27, 2008
Tuesday, September 23, 2008
Thursday, March 26, 2009
Thursday, September 24, 2009

as the dates for regional informational meetings to be held in addition to the informational meetings set forth in § C-29 of the City of Troy City Charter. The locations for these meetings shall be determined in the future.

Resolution ADOPTED by the following vote:

Ayes: **9**
Noes: **0**
Abstain: **0**

Troy City Clerk
Sent to the Mayor 03/07/2008
Received from the Mayor 3/20/08
City Clerk _____

Executive Action
Approved X **Date** 3/17/08
Veto _____ **Not Endorsed** _____
Mayor _____