

**SPECIAL MEETING
CITY COUNCIL
June 5, 2008**

ROLL CALL:

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

Ordinance No. 1 Date June 5, 2008
Introduced by Council Member Campana Motion Dunne
At the request of Administration Seconded by Bauer

ORD. #1

ORDINANCE AMENDING TROY CITY CODE CHAPTER 79 “POLICE DEPARTMENT” BY CREATING ARTICLE IV “TERMS OF EMPLOYMENT FOR THE CHIEF AND ASSISTANT CHIEFS OF POLICE” TO ESTABLISH ADDITIONAL EMPLOYMENT PARAMETERS

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

Section 1: Upon the request of the Mayor, the City Council of the City of Troy hereby creates Article IV “Terms of Employment for the Chief and Assistant Chiefs of Police” to Chapter 79, and shall consist of subsection A and B as defined herein.

Section 2: The Mayor of the City of Troy and the Chief of Police have agreed upon establishing terms of employment, in relation to: Salary, Health Insurance, Succession of Authority, Overtime, and Accrual of Benefits for the current chief, as attached hereto as schedule “A” and made a part hereof, which shall be designated as Chapter 79, Article IV, Section 79-17(A).

Section 2: The Mayor of the City of Troy and the two Assistant Chiefs of Police have agreed upon establishing terms of employment, in relation to: Salary, Health Insurance, Succession of Authority, Overtime, and Accrual of Benefits, as attached hereto as schedule “B” and made a part hereof, which shall be designated as Chapter 79, Article IV, Section 79-17(B).

Section 3. The agreed upon terms of employment shall be binding only upon the City of Troy, the current Chief of Police and the two current Assistant Chiefs of Police who are employed at the time the terms of employment are adopted.

Section 4. This Ordinance shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008

Approved X Date 6/17/08

Received from the Mayor 6/18/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Ordinance No. 2 Date June 5, 2008
Introduced by Council Member Campana Motion McGrath
At the request of Administration Seconded by Ryan

ORD. #2

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS
INSTITUTED BY VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF
TROY AND ON THE ASSESSMENT ROLL OF THE CITY OF TROY**

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

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

405 Second Avenue, LLC

80.71-5-4
(405 Second Ave.)

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy, if necessary, to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for the years involved to reflect said changes.

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

Section 4. This Ordinance shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008

Approved _____ **Date** 6/17/08

Received from the Mayor 6/18/08

Veto _____ **Not Endorsed** X

City Clerk _____

Mayor _____

Ordinance No. 3 **Date** June 5, 2008
Introduced by Council Member Campana **Motion** McGrath
At the request of Administration **Seconded by** Wojcik

ORD # 3

ORDINANCE AUTHORIZING AND DIRECTING SALE OF CITY OWNED SURPLUS REAL PROPERTY BY THE PROPOSAL METHOD

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

Section 1. Pursuant to Chapter 83 of the Code of Ordinances, the Bureau of Surplus Property accepted proposals on the hereinafter-described property, identified in Schedule “A”, attached hereto and made a part hereof.

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 sum 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 purchaser, purchase price and terms and conditions of sale are as follows:

PROPERTY, PURCHASERS and PURCHASE PRICES are identified in Schedule “A” attached hereto and made a part hereof.

TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance the purchaser shall close title, pay the purchase price, plus advertising cost, all closing costs & expenses and

payment in lieu of City taxes through December 31, 2008, and the appropriate school taxes through the end of the fiscal years for Troy and Lansingburgh school districts.

- B. Upon the 1st day of January 2009, all taxes and other assessments shall become due and payable by the purchaser except all water and sewer rents which shall be charged from the date of this conveyance.

- C. This conveyance is made subject to the conditions, promises and representations made by the purchasers in their respective proposal packets. The proposals shall be incorporated into the deed by reference and not merge into the deed. All promises and representation made by the respective purchasers shall survive closing of title and purchasers shall be accountable to fulfill and satisfy the representation and promises made in their proposals. Additionally, the deed transfer shall be conditioned upon the purchaser bringing the property into conformance with the building, housing and fire prevention codes within six (6) months after the date of purchase. If the purchaser, his successor, or assigns shall fail to comply with this condition the City of Troy has a right to re-enter the property without refunding the purchase price pursuant to the reverter which shall be in every deed transferred.

- D. Purchaser shall be liable for and pay all closing costs related to this sale including, but not limited to filing fees, deed stamps and attorneys fees.

Section 4. The said real properties authorized for sale pursuant to the proposal method shall be: As identified in Schedule "A", attached hereto and made a part hereof.

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008

Approved X Date 6/17/08

Received from the Mayor 6/18/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Ordinance No. 4 Date June 5, 2008
Introduced by Council Member Campana Motion Ryan
At the request of Administration Seconded by Zalewski

Ord # 4

ORDINANCE AUTHORIZING THE EXECUTION OF A CORRECTIVE DEED FOR A PROPERTY LOCATED AT 1032 SECOND AVENUE PURSUANT TO COURT ORDER ISSUED FROM EITHER NEW YORK STATE SUPREME OR PROBATE COURT

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

Section 1: In 1998, the City of Troy, through an In-Rem Foreclosure action and Treasurer's Deed, took ownership of 1032 Second Avenue, from the prior owner of record, Ms. Ruth Williams.

Section 2: In March of 1999, the City of Troy re-conveyed the Deed (title to the parcel) back to the prior owner of record, Ms. Ruth Williams. Unfortunately, it now appears, the City was not informed in either 1998 or 1999 that Ms. Ruth Williams passed away on January 31, 1983. Thus, the City conveyed the property to a deceased person, thereby making said transfer a nullity.

Section 3: In October 1999, a deed dated September 14, 1999 and filed on October 13, 1999, transferred Deed (title) to this parcel from Ms. Ruth Williams (deceased) to Ms. Susan Adamson (purported daughter and purported only surviving descendant of Ms. Ruth Williams) was filed in the Office of the Rensselaer County Clerk. ("purported" is used at this time, as no documents have been produced establishing either representation).

Section 4: In October 1999, a deed dated September 24, 1999 and filed on October 13, 1999, transferred Deed (title) to this parcel from Ms. Susan Adamson (purported daughter and purported only surviving descendant) to Mr. James Stewart.

Section 5: In October 2001, a deed dated October 1, 2001 and filed on October 16, 2001, transferring Deed (title) to this parcel from Mr. James Stewart to Mr. Mark Peabody, the purported current owner and proposed seller of 1032 Second Avenue.

Section 6: The Corporation Counsel has been discussing this title issue with the attorney for Mark Peabody, the purported current owner and seller, and the attorney for the Francis and Joanne Vroman, the contract purchasers of 1032 Second Avenue.

Section 7: Upon advice and consent, the purchasers, through their legal counsel, have requested the City of Troy execute a "Corrective Deed" for the property issued to either "Ms. Susan Adamson" upon proof from the New York Surrogate Court that she is in fact the sole heir to the Ruth Williams Estate or to the correct person named in a Court Order after completion of an Action to Quiet Title.

Section 8: The Corporation Counsel has reviewed the records germane to resolving this title issue and has advised the City Council to authorize the Mayor to execute a "Corrective Deed" to 1032 Second Avenue, consistent with the directives from either the New York State Surrogate Court, identifying the legal heir(s) to the Ruth Williams Estate or the New York State Supreme Court, in an action to Quiet Title.

Section 9: This Ordinance shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008 Approved X Date 10/17/08 As written on Ordinance

Received from the Mayor 6/18/08__ Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Ordinance No. 5 Date June 5, 2008
Introduced by Council Member Campana Motion Wojcik
At the request of Administration Seconded by McGrath

Ord # 5

ORDINANCE AMENDING THE 2008 CITY BUDGET TO TRANSFER FUNDS WITHIN THE GENERAL, WATER, AND SEWER FUND BUDGET LINES

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

Section 1. The City of Troy 2008 GENERAL, WATER, AND SEWER FUND budgets is herein amended and set forth in Schedule "A" entitled:

June 2008 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008 Approved X Date 6/17/08

Received from the Mayor 6/18/08 Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Ordinance No. 6 Date June 5, 2008
Introduced by Council Member Campana Motion McGrath
At the request of Administration Seconded by Dunne

Ord # 6

ORDINANCE AMENDING THE CDBG BUDGET ACCOUNTS TO TRANSFER FUNDS TO COVER COSTS OF REMEDIATION OF LEAD BASED PAINT TO ACHIEVE CLEARANCE ON ALL OUTSTANDING REHABILITATION PROJECTS and TO COMPLETE TWO (2) - 50/50 PROJECTS

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

Section 1. Ordinance amending the CDBG Budget Accounts to transfer funds for the purpose of covering costs of remediation of lead based paint to achieve clearance on all outstanding rehabilitation projects and to cover the costs of completing two outstanding 50/50 projects as provided in Schedule "A" entitled:

"CDBG Budget Transfer - Amendment"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008

Approved X Date 6/17/08

Received from the Mayor 6/18/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Resolution No. 1 Date June 5, 2008
Introduced by Council Member Campana Motion Ryan
At the request of Administration Seconded by Zalewski

Res # 1

RESOLUTION ESTABLISHING ACCEPTABLE STANDARDS FOR ANNUAL TRAINING FOR PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS

WHEREAS, General City Law Sections 27 and 81 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four (4) hours of training each year; and

WHEREAS, the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS, the above sections of state law provide that the legislative body of the city shall specify and approve which activities qualify as training to satisfy the state requirements; and

NOW, THEREFORE, be it

RESOLVED, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; or any other New York State Agency, and
- 2) the New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and the Metro New York Chapter of the American Planning Association and its sections, any continuing legal education seminar by the New York State Bar Association on zoning and/or planning topics, and
- 3) the Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission, and Adirondack Park Agency; and
- 4) the Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension, or any other state or nationally accredited college, law school or

institution of higher education, and

- 6) on-line planning and zoning training programs offered by: the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, the Lincoln Institute of Land Use Policy, the Albany Law School or any other accredited college, law school or institution of higher education.

RESOLVED, that other training activities may be approved on a case-by-case basis by the City Council upon the request of a planning board or zoning board of appeals member; and be it further

RESOLVED, that any new member appointed to fill the last 6 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and be it further

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four (4) hours in any one year may be carried over by the member into succeeding years; and be it further

RESOLVED, that the Commissioner of Planning for the City of Troy shall create and maintain a system of tracking the training of individual members annually; and such information and training records shall be provided to the appointing authority prior to considering a member for reappointment.

Resolution ADOPTED by the following vote:

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

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008

Approved X Date 6/17/08

Received from the Mayor 6/18/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Resolution No. 2 **Date** June 5, 2008
Introduced by Council Member Campana **Motion** McGrath
At the request of Administration **Seconded by** Dunne

Res # 2

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF POESTENKILL FOR THE SUPPLY OF WATER TO THE TOWN AT THE CITY RATE FOR TWENTY (20) YEARS.

WHEREAS, the city would like to sell water on a wholesale basis and the Town of Poestenkill would like to purchase water; and

WHEREAS, the City Administration and the Administration for the Town of Poestenkill have negotiated a tentative agreement for the City to supply water to the Town at the City Water Rate for a period of twenty (20) years at the City Water Rate, subject to the approval of the Town Board of Poestenkill and the Troy City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to enter into an agreement on behalf of the City of Troy with the Town of Poestenkill for a period of twenty (20) years, the final content of said agreement to be substantially in the form of the agreement on file in the office of the Corporation Counsel and as attached hereto as schedule "A" and made a part

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008

Approved X Date 6/17/08

Received from the Mayor 6/18/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Resolution No. 3 Date June 5, 2008

Introduced by Council Member Campana Motion Zalewski

At the request of Administration Seconded by Dunne

Ord # 3

RESOLUTION APPOINTING COMMISSIONERS 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".

Resolution to AMEND ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Resolution ADOPTED as AMENDED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 06/06/2008

Approved X Date 6/17/08

Received from the Mayor 6/18/07

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Resolution No. 4 Date June 5, 2008

Introduced by Council Member Campana Motion Wojcik

At the request of Administration Seconded by Galuski

Res # 4

Resolution authorizing the design and construction of Bikeway/Walkway from the City of Troy Riverfront Bikeway to the City of Menands Corning Preserve via the Route 378 Bridge, City of Troy on the State Highway System, the performance and funding in the first instance 100% of the costs of design and construction or reconstruction thereof, to be reimbursed by the State and appropriating funds therefore.

WHEREAS, the State of New York has requested the City of Troy incorporate improvements (the "State Betterment") to PIN 1754.52, Troy-Menands Bikeway, City of Troy in the County of Rensselaer with State improvements project to adjacent State highways;

NOW, THEREFORE, the City of Troy City Council, duly convened does hereby;

RESOLVE, that the City of Troy hereby approves such project inclusive of the State Betterment (collectively the "Project"); and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the costs of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$90,000.00 (Ninety thousand dollars and no cents) has already been appropriated and made available to cover the cost of participation in the Preliminary Engineering phase of the Project; and it is further

RESOLVED, that the additional sum of \$66,000.00 (Sixty six thousand dollars and no cents) is hereby appropriated from City Account # H-11-7180-0200-1411 and made available to cover the additional cost of participation in the Preliminary Engineering phase of the Project; and it is further

Resolution No. 5 Date June 5, 2008
Introduced by Council Member Campana Motion Zalewski
At the request of Administration Seconded by Ryan

Res # 5

RESOLUTION IN SUPPORT OF NAMING THE
LANSINGBURGH BRANCH OF THE TROY POST OFFICE
IN HONOR OF FORMER MAYOR MARTIN G. MAHAR

WHEREAS, It is the desire of the Troy City Council to recognize the contributions of Martin G. Mahar, a remarkable gentleman who dedicated his life and career to the service of others; and

WHEREAS, It is the intent of this Legislative Body, to wholeheartedly support efforts to name the Lansingburgh Branch of the Troy Post Office in honor of Martin G. Mahar, a fixture in his hometown and Lansingburgh neighborhood until his death on October 11, 2007; and

WHEREAS, Martin G. "Marty" Mahar was born and resided in Troy, New York, educated in Troy schools, married the former Marion Chapman, and raised six children in the Lansingburgh community of Troy; and

WHEREAS, Martin G. Mahar joined the United States Postal Service in 1955 as a Letter Carrier and retired in 1983. He led a long and distinguished career serving as an active member of the National Association of Letter Carriers (NALC) for over 51 years, the District President NALC (6 years), Local President, Branch 416 NALC (8 years), New York State Officer NALC Delegate at Large (2 years), Secretary NALC (2 years), New York Treasurer NALC (25 years), National Legislative Liaison Officer NALC (14 years), and as a Trustee NALC Local 358 (20 years up until the time of his death); and

WHEREAS, Martin G. Mahar served in the United States Marine Corps during World War II as a paratrooper in the Asiatic-Pacific Theater. During his tour of duty, he earned four Battle Stars, a Presidential Unit Citation, and a Purple Heart for serious injuries sustained during combat on Iwo Jima in 1945. He worked as a National Service Officer, Military Order of the Purple Heart at the Leo O'Brien Federal Building in Albany, New York. Marty was a past Commander of the Corporal Arthur Willi Chapter 17, and a past State Legislative Director and life member of the Military Order of the Purple Heart. On December 7th, 2005, in recognition of his meritorious service to our nation in both military and civilian life, Marty was inducted in the inaugural class of the New York State Senate Veterans Hall of Fame, nominated by Senate Majority Leader, Hon. Joseph L. Bruno; and

WHEREAS, A widely respected community leader, Martin G. Mahar served as Mayor of Troy (1990-91), a member of the Troy City Council for ten years (Deputy Mayor, 2years), President of the New York State Association of City Councils, and member of the Board of Directors for the New York State Association of City Councils. A tireless advocate on behalf of veterans and Troy's citizens, he was Chairman of the City of Troy Veterans Committee, Chairman of Rensselaer County's Veteran's Committee, Commander of the Trojan Post 469 VFW, Youth Activities Director for the Department of New York VFW, legislative committee member for VFW, life member of the Marine Corps League in Troy, life member of the VFW, life member of the Veterans of Lansingburgh, life member of Capitol Hill Marine Corps League in Washington, D.C., first permanent Chairman for the Veterans for Uncle Sam Committee which originally

