

**REGULAR MEETING
CITY COUNCIL
July 10, 2008**

ROLL CALL:

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

Ordinance No. 1 Date July 10, 2008
Introduced by Council Member Campana Motion McGrath
At the request of Administration Seconded by Dunne

ORD. #1

ORDINANCE AMENDING THE 2008 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 2008 GENERAL FUND budget is herein amended and set forth in Schedule "A" entitled:

July 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: 8
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 07/11/08

Approved X Date 7/15/08

Received from the Mayor 7/15/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Ordinance No. 2 Date July 10, 2008
Introduced by Council Member Campana Motion Dunne
At the request of Administration Seconded by Brown

DEFEATED

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:

377 River Street

S/B/L #101.45-1-2

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: 0

Noes: 8

Abstain: 0

DEFEATED

Troy City Clerk

Executive Action

Sent to the Mayor _____

Approved _____ Date _____

Received from the Mayor _____

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Ordinance No. 3 Date July 10, 2008
Introduced by Council Member Campana Motion Galuski
At the request of Administration Seconded by Zalewski

ORD. #3

ORDINANCE AMENDING THE SLUDGE DEWATERING FACILITY CAPITAL PROJECT TO TRANSFER FUNDS TO THE WATER FUND FOR EXPENSES RELATED TO THE SLUDGE DEWATERING FACILITY THAT WERE CHARGED TO THE WATER DEPARTMENT'S OPERATING BUDGET

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

Section 1. The City of Troy CAPITAL FUND budget is herein amended as set forth in Schedule "A" entitled:

2008 Capital Fund Inter-fund Transfer

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 8
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 07/11/08

Approved X Date 7/15/08

Received from the Mayor 7/15/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Ordinance No. 4 Date July 10, 2008
Introduced by Council Member Campana Motion Ryan
At the request of Administration Seconded by Dunne

ORD. #4

ORDINANCE AUTHORIZING THE AMENDMENT TO THE LOWER CONGRESS
STREET RECONSTRUCTION PROJECT – PIN #1756.62 –
DETAILED DESIGN/RIGHT-OF-WAY ACQUISITION

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

Section 1. The City of Troy hereby authorizes the Supplemental Agreement, to perform detail design for the Lower Congress Street Reconstruction Project, PIN #1756.62, in substantial conformance to the Supplemental Agreement attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 8
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 07/11/08

Approved X Date 7/15/08

Received from the Mayor 7/15/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Resolution No. 1 Date July 10, 2008
Introduced by Council Member Campana Motion McGrath
At the request of Administration Seconded by Galuski

RES. #1

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL
DOCUMENTS NECESSARY AND ESSENTIAL TO RELEASE AND REFINANCE
THE HUD SECTION 108 LOAN (B-00-MC-36-0109)
LENDED AS AN INTERIM VARIABLE RATE LOAN TO A
PERMANENT FIXED RATE COST STRUCTURE**

WHEREAS, in August 2006, the City of Troy, as borrower, and the Secretary of the Housing and Urban Development, as guarantor, entered into a contract for loan guarantee assistance pursuant to Section 108 of Title I of the Housing and Community Development Act of 1974, as amended, and 24 CFR Part 570, Subpart M, of the promissory note executed contemporaneously with and numbered B-00-MC-36-0109, in the amount of \$3,000,000 per funding approved by the Secretary on September 19, 2001, AND

WHEREAS, the original note was offered as an interim financing available to the City of Troy to ensure funding for eligible project(s) in the South Troy area at a variable interest rate financed through the interim lender, AND

WHEREAS, HUD expects most loans to have permanent, fixed rate financing, AND

WHEREAS, the City Comptroller and City Corporation Counsel, is recommending permanent fixed rate financing, which is inherently less risky than variable rate financing and will provide a more accurate basis for cash flow analysis in a volatile market economy, AND

WHEREAS, the current term structure of interest rates is again at historical lows not seen since 2004, although pending market conditions are conducive for an escalation in inflationary pressures which ultimately will compel the Federal Reserve to raise the rates, AND

WHEREAS, the Mayor of the City of Troy, upon the advise of the City Comptroller and the Corporation Counsel, desires to refinance the existing HUD Section 108 variable interest rate note and execute a new HUD Section 108 note with a fixed interest rate.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy shall and hereby authorize the Mayor to execute any and all necessary and essential documents to refinance the existing note under Section 108 of the Housing and Community Development Act of 1974, and to execute any and all documents necessary to refinance the outstanding principal balance of \$3,000,000 to a permanent fixed rate structure.

Resolution ADOPTED by the following vote:

Ayes: 8
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 07/11/08

Approved X Date 7/15/08

Received from the Mayor 7/15/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Resolution No. 2 Date July 10, 2008

Introduced by Council Member Campana Motion McGrath

At the request of Administration Seconded by Dunne

RES. #2

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ENERGY CURTAILMENT SPECIALISTS (ECS) TO RECEIVE ANNUAL REVENUE TO THE WATER FUND AND CURTAIL ELECTRICAL DEMAND BY PARTICIPATING IN "OPERATION SAVE NEW YORK" PROGRAM

WHEREAS, the Mayor City of Troy desires to enter into a an agreement with Energy Curtailment Specialists (ECS) to receive annual revenue to the water fund and curtail electrical demand on the electrical grid by participating in the "Operation Save New York" program, and

WHEREAS, Energy Curtailment Specialists (ECS) is a firm which compensates corporations or municipalities for the ability to reduce or eliminate their electrical load on the grid, and

WHEREAS, Energy Curtailment Specialists (ECS) will compensate the City of Troy, Department of Public Utilities, approximately \$6,240.00 per year for the ability to eliminate the electrical load from the John P. Buckley Water Treatment Plant (WTP) and the Eddy's Lane Pumping Station, without an emergency being declared.

NOW, THEREFORE, BE IT RESOLVED, the Troy City Council authorizes the Mayor of the City of Troy to enter into an agreement with Energy Curtailment

Specialists (ECS) in substantial conformance with schedule “A”, attached hereto and made a part hereof.

Resolution ADOPTED by the following vote:

Ayes: 8
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 07/11/08

Approved X **Date** 7/15/08

Received from the Mayor 7/15/08

Veto _____ **Not Endorsed** _____

City Clerk _____

Mayor _____

Memorandum in Support

Title: Resolution authorizing the Mayor to enter into an agreement with Energy Curtailment Specialists (ECS) to generate revenue to the Water Fund and to curtail electrical demand on the electrical grid by participating in the “Operation Save New York” program.

Summary of Provisions: Authorizes the Mayor to enter into an agreement with Energy Curtailment Specialists (ECS) to receive annual compensation for the ability to relieve the electrical grid of the demand caused by the Department of Public Utilities in case of emergency by running the emergency electrical generators at the John P. Buckley Water Treatment Plant and the Eddy’s Lane Pump Station. This compensation occurs automatically and if the need arises the City will be compensated in excess for the decrease in demand on the electrical grid.

Present Law: N/A

Purpose: Energy Curtailment Specialists (ECS) is a firm which compensates corporations or municipalities for the ability to reduce or eliminate their electrical load on the electrical grid in case of increased demand on the electrical grid (i.e. summertime air conditioning). ECS will compensate the Department of Public Utilities approximately \$6,240.00 per year for the ability to eliminate the electrical load from the John P. Buckley Water Treatment Plant (WTP) and the Eddy’s Lane Pumping Station without an emergency being declared. If an emergency occurs and the Department is asked to eliminate its electrical demand, ECS will compensate the Department of Public Utilities an

additional \$0.40/KWh for every kilowatt hour removed from the demand, plus the energy costs incurred to operate the generators (Diesel Fuel and/or Natural Gas). If an emergency occurs and the Department declines the request to remove its demand, no penalties or fines will be incurred.

Fiscal Impact: On an annual basis the program will contribute revenue to the Water Fund to offset the cost of the annual maintenance agreements for the Department of Public Utilities' emergency electrical generators.

Council Committees: Public Utilities and Finance

Resolution No. 3 Date July 10, 2008
Introduced by Council Member Campana Motion Zalewski
At the request of Administration Seconded by Galuski

RES. # 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 ADOPTED by the following vote:

Ayes: 8
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 07/11/08

Approved X Date 7/15/08

Received from the Mayor 7/15/08

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____