

**REGULAR MEETING  
CITY COUNCIL  
December 4, 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 December 4, 2008  
Introduced by Council Member Campana Motion Galuski  
At the request of Administration Seconded by McGrath

**ORD. #1**

ORDINANCE AUTHORIZING A TRANSFER  
FROM CAPITAL FUND (H20-7140-0222-2422) ORIGINALLY SET-UP FOR RENOVATIONS OF A  
RIVERFRONT RESTROOM TO CAPITAL FUND (H11-7180-0200-1411) TO FUND THE REPAIRS  
NECESSARY TO INSTALL AN “ADA” COMPLIANT RESTROOM IN THE BURDEN IRON  
WORKS MUSEUM  
FOR USE BY THE BIKEWAY PATRONS.

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

Section 1. The City of Troy Capital Account H20-7140-0222-2422 and H11-7180-0200-1411 is herein amended as set forth in Schedule A entitled:

“Capital 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: 9**  
**Noes: 0**  
**Abstain: 0**

**Troy City Clerk**

**Executive Action**

Sent to the Mayor 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1/7/09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

**MEMO IN SUPPORT**

**Title:** Ordinance authorizing a transfer from Capital Fund (H20-7140-0222-2422) originally set-up for renovations of a riverfront restroom to Capital Fund (H11-7180-0200-1411) to fund the repairs necessary to install an “ADA” compliant restroom in the Burden Iron Works museum for use by the bikeway patrons.

**Summary of Provisions:** A capital account was set up in to fund the restoration of a riverfront restroom. These funds were never utilized. It has been determined that it is in the City’s best interest to transfer the funds to the H11-7180-0200-1411 Bike Trail (Burden Iron Works) project to be utilized for the repairs necessary to bring the restroom into compliance with the Americans with Disabilities Act. The funds appropriated for this use will then be used as a portion of the local match requirement for the TEA-21, Bike/Hike trail project.

**Present Law:** N/A

**Overall Budget Fiscal Impact:** None

**SCHEDULE A**  
**Capital Fund Transfer**

Acct No.	Project Description	Current Budget	Change	Revised Budget
<b>Capital Fund (H)</b>				
<b>From: Capital 2002</b>				
H20-7140-0222-2422	Riverfront Restroom Restoration	<u>\$4,500.00</u>	<u>(\$4,500.00)</u>	<u>\$0.00</u>
<b>To: Capital 2001</b>				
H11-7180-0200-1411	TEA-21 Bike/Hike Trail	<u>\$1,877,665.00</u>	<u>\$4,500.00</u>	<u>\$1,882,165.00</u>

Ordinance No. 2 Date December 4, 2008  
Introduced by Council Member Campana Motion Zalewski  
At the request of Administration Seconded by Dunne

ORD. #2

ORDINANCE AUTHORIZING THE APPROPRIATION FROM THE CITY OF TROY 2007  
RESERVED FUND BALANCE (CAPITAL RESERVE) AND AMENDING THE 2008 GENERAL  
FUND BALANCE FOR THE PURPOSE OF ADDITIONAL FUNDING NECESSARY FOR THE  
PURCHASE OF A FIRE PUMPER TRUCK

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

Section 1. The City of Troy 2008 GENERAL FUND BUDGET is herein amended as set forth  
in Schedule A entitled:

“2008 Capital Reserve Transfer for Fire Pumper”

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 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1/7/09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

**MEMO IN SUPPORT**

**Title:** Ordinance authorizing appropriation from the 2007 reserved fund balance to provide additional funding necessary for the purpose of purchasing a Fire Pumper truck.

**Summary of Provisions:** This legislation will authorize the appropriation from the reserved fund balance and add to a prior appropriation of \$350,000 established in March 2008 for the purpose of purchasing a Fire Pumper. The administration of the Fire Department has advised the City that the original \$350,000 allocation was insufficient to cover the cost of a new pumper truck due to unanticipated increases in production costs. Additionally, it has been determined that the 2986 Sutphen Pumper is “no longer fit for service”, resulting in an emergency situation to purchase a new pumper this fiscal year.

**Present Law:** N/A

**Overall Budget Fiscal Impact:** Appropriates funds from the reserved fund balance and funds the 2008 allocation for the purpose of purchasing a pumper.

**SCHEDULE A  
2008 Capital Reserve Transfer for Fire Pumper**

<b>From:</b>			<b>Current Budget</b>	<b>Change</b>	<b>Revised Budget</b>
<b>Appropriated Capital Reserve</b>					
Misc. Reserve	A889	Capital Reserve Fund	\$2,313,397	<u>(\$50,000)</u>	\$2,263,397
<b>To:</b>					
<b>To: Expenditures A510</b>			<b>2008 General Fund</b>		
	Acct No.	Project Description			
Public Safety - Fire	A3410-0202-0000	Pumper	350,000.00	50,000.00	400,000.00
				<u>50,000.00</u>	
		Total		<u>50,000.00</u>	

11/13/08 DW

Ordinance No. 3 Date December 4, 2008  
Introduced by Council Member Campana Motion McGrath  
At the request of Administration Seconded by Zalewski

ORD. #3

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

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

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

**December 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: 1 Galuski  
Abstain: 0

**Troy City Clerk**

**Executive Action**

Sent to the Mayor 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1/7/09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

**MEMO IN SUPPORT**

**Title:** Ordinance amending the 2008 General, Water, and Sewer Fund Budgets to amend appropriations.

**Summary of Provisions:** This legislation is being initiated by the Administration and will transfer funds from certain accounts to other accounts where the original budget allocations now appear to be insufficient.

**Present Law:** N/A

**Purpose:** The administration begins the process of building a budget the summer before the budget is due.

The administration files the budget on October 1<sup>st</sup> and the City Council passes the budget in December. The several hundred expense categories contained in the 2008 budget are estimates of those expenses made in 2007 for 2008.

It is now deemed that certain allocations need to be increased to cover unanticipated expenses. Other budget lines will be adjusted to compensate for these increases.

**Overall Budget Fiscal Impact:** None.

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

**ORD. #4**

**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**

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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:

Irwin Lapides	4A)	101.69-7-12	(156 Second Street)
	4B)	100.76-9-9	(163 First Street)
	4C)	101.40-7-4	(2209 Sixteenth Street)
	4D)	101.79-4-10./1	(520 Congress Street)

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 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1/7/09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

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

**DEFEATED**

ORD. #5

**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:

BHY Partners 70.74-1-1  
(74 New Turnpike Road)

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 DEFEATED by the following vote:**

Ayes: 4 McGrath, Dunne, Galuski, Bauer  
Noes: 5 Wojick, Ryan, Zalewski, Brown, Campana  
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 12/05/2008 Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor \_\_\_\_\_ Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_ Mayor \_\_\_\_\_

**MEMORANDUM IN SUPPORT**

TAXPAYER: BHY Partners  
PROPERTY: 74 New Turnpike Road  
ATTORNEY: Joshua Efron, Esq., Delmar

BHY Partners has challenged the 2007 assessed value of the former Leonard Hospital. The 136,030 square foot vacant building was purchased by the current owners in 2004 for \$800,000.

The property is assessed for \$330,000, which indicates a fair market value of \$2,444,444 (utilizing the 2008 equalization rate of 13.5%). This property is the subject of a tax certiorari proceeding challenging the 2007 assessment.

The property has been vacant since its 2004 sale, and the owners have been unsuccessful in their attempts to sell it. Petitioner's attorney has proposed a settlement in which the current litigation would be discontinued and the 2008 assessed value of the subject property would be reduced to \$95,000, which indicates a fair market value of \$703,704, using the 2008 equalization rate of 13.5%. There would be no refunds from the City or County.

Ordinance No. 6 Date December 4, 2008  
Introduced by Council Member Campana Motion Galuski  
At the request of Administration Seconded by Ryan

ORD. #6

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 626 Pawling Avenue (S/B/L: #112.75-2-8).

Section 2. Pursuant to City Code Section 83-5, "Reconveyance of foreclosure property", former owner, Mr. Nubar Sukljian, 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**

**Executive Action**

Sent to the Mayor 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1/7/09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

Ordinance No. 7 Date December 4, 2008

Introduced by Council Member Campana Motion McGrath

At the request of Administration Seconded by Zalewski

ORD. #7

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 554 2<sup>nd</sup> Avenue (S/B/L: #80.55-6-17).

Section 2. Pursuant to City Code Section 83-5, “Reconveyance of foreclosure property”, former owner, Mr. Thomas Palma, 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. Thomas Palma, as soon as practicable.

Section 5. This act will take effect immediately.

**Ordinance ADOPTED by the following vote:**

Added Evening of meeting Motion Dunne, seconded Brown to move to agenda.

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

**Troy City Clerk**

**Executive Action**

Sent to the Mayor 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1-7-09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

**Ordinance No.** 8 **Date** December 4, 2008  
**Introduced by Council Member** Campana **Motion** Zalewski  
**At the request of** Administration **Seconded by** Galuski

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 610 Fourth Street (S/B/L: #111.52-9-10).

Section 2. Pursuant to City Code Section 83-5, “Reconveyance of foreclosure property”, former owner, Finewill Properties, LLC, 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, Finewill Properties, LLC, as soon as practicable.

Section 5. This act will take effect immediately.

**Ordinance ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

Added evening of meeting. Motion Ryan seconded Dunne – moved to agenda.

**Troy City Clerk**

**Executive Action**

Sent to the Mayor 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1-7-09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

Resolution No. 1 Date December 4, 2008

Introduced by Council Member Campana Motion McGrath

At the request of Administration Seconded by Zalewski

RES. #1

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FIVE-YEAR CONTRACT WITH THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION FOR THE PURPOSE OF REIMBURSING THE CITY OF TROY FOR EXPENSES RELATED TO COURT MAINTENANCE COSTS

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WHEREAS, the City of Troy had previously entered into a five-year contract with the NYS Office of Court Administration for the purpose of reimbursing the City for maintenance expenses related to the State Street Court Building, and

WHEREAS, the current five-year contract ends in the 2007/2008 program budget year, and

WHEREAS, the NYS Office of Court Administration and the City of Troy are desirous of continuing services as established under the initial agreement for the next five years commencing 2008/2009.

NOW, THEREFORE, the City Council, duly convened does hereby

RESOLVE, that the City Council approves the above-subject project; and it is hereby further RESOLVED, that the City Council hereby authorizes the Mayor of the City of Troy to execute all necessary agreements and reimbursement requests to the NYS Office of Court Administration on behalf of the municipality of the City of Troy, New York, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Office of Court Administration by attaching it to the upcoming five-year agreement in connection with this project and it is further

RESOLVED, that this Resolution shall take effect immediately.

**Resolution ADOPTED by the following vote:**

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

**Troy City Clerk**

**Executive Action**

Sent to the Mayor 12/05/2008 Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1-7-09 Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_ Mayor \_\_\_\_\_

Resolution No. 2 Date December 4, 2008

Introduced by Council Member Campana Motion Ryan

At the request of Administration Seconded by Brown

**RES. #2**

**Resolution of Support to Protect the Local Government Records Management Improvement Fund (LGRMIF) from State Budget Cuts**

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Whereas, the Local Government Records Management Improvement Fund (LGRMIF) was created by the Laws of 1989, Chapter 78, as a dedicated fund, raised through fees imposed on records transactions, for the specific purpose of improving local government records management, and

Whereas, this fund provides technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

Whereas, the LGRMIF has effectively supported essential advisory services and since 1990/1991 has awarded 8856 grants totaling over \$177 million to improve the management of records for NYS local governments, and

Whereas, the LGRMIF and the programs it supports, continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

Whereas, LGRMIF was intended to use its local dollars to develop records management programs for local governments, and

Whereas, the City of Troy has been awarded 18 LGRMIF grants totaling \$613,372.00, and

Whereas, the City of Troy, through these grants, has benefited from technical assistance, equipment, training, publications, and

Whereas, the City of Troy was awarded the Cheryl Steinbach Archives Award for "Excellence in Local Government Records Management Programs" which would not have been possible without the LGRMIF Grant Program, and

Whereas, the LGRMIF continues to be critically important in the fulfillment of the many records and

information related responsibilities of the City of Troy, and to the cultural and scientific needs of the people of New York State, and

Whereas, the City of Troy does not support the recent “sweeping” of allocations designated for mandated records management activities, into the State’s General Fund as a mechanism to close budget gaps.

Therefore be it Resolved, that the City of Troy supports the initiative to seek restoration of LGRMIF grant funds and protection from any future incursions of this fund in an effort to preserve the Legislature’s intent that these monies be dedicated to local government records management.

**Resolution ADOPTED by the following vote:**

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

**Troy City Clerk**

**Executive Action**

Sent to the Mayor 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1-7-09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

Resolution No. 3 Date December 4, 2008  
Introduced by Council Member Campana Motion Zalewski  
At the request of Administration Seconded by Dunne

RES. # 3

**RESOLUTION APPOINTING COMMISSIONERS OF DEEDS**

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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 McGrath Abstained**  
**Noes: 0**  
**Abstain: 0**

**Troy City Clerk**

**Executive Action**

Sent to the Mayor 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1-7-09 Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_ Mayor \_\_\_\_\_

Resolution No. 4 Date December 4, 2008  
Introduced by Council Member Campana Motion Zalewski  
At the request of Administration Seconded by Brown

RES #4

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A "LETTER OF INTENT"  
SELECTING SIEMENS BUILDING TECHNOLOGIES INC. TO DEVELOP A COMPREHENSIVE  
ENERGY AUDIT, PRELIMINARY PROJECT DESIGN AND CONTRACT PREPERATION FOR THE  
GURLEY AVE. PUMP STATION AND THE TROY WATER TREATMENT PLANT.

WHEREAS the City of Troy issued a Request for Qualification (RFQ) to solicit qualification proposals for energy services at a number of City facilities from project management and energy service companies, and

WHEREAS responses to RFQ were received and reviewed and Siemens Building Technologies, Inc. was selected to conduct a comprehensive energy audit of various City of Troy facilities to reduce energy consumption and to maintain and operate services on an energy performance contract basis.

NOW, THEREFORE BE IT RESOLVED, That the Mayor, is authorized to execute a "Letter of Intent", a copy which is attached hereto as Exhibit "A", authorizing Siemens Building Technologies, Inc. to proceed with a comprehensive energy audit, preliminary project design and contract preparation for facilities of the City, commonly referred to as the Gurley Avenue Pump Station, Eddy's Lane Pump Station and the Troy Water Treatment Plant.

**Resolution ADOPTED by the following vote:**

Ayes: 9  
Noes: 0  
Abstain: 0

**Troy City Clerk**

**Executive Action**

Sent to the Mayor 12/05/2008 Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1-7-09 Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_ Mayor \_\_\_\_\_

**WITHDRAWN**

RES. #5

RESOLUTION AMENDING RESOLUTION # 5 OF THE REGULAR MEETING OF THE CITY  
COUNCIL ON NOVEMBER 6, 2008 ADOPTING A DISTRICT PLAN AND PROVIDING FOR A

PUBLIC HEARING IN CONNECTION WITH THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT (BID)

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WHEREAS, Resolution Number 5 passed by the City Council on November 6, 2008, authorized the preparation of a district plan on which the establishment of a Downtown Business Improvement District would be based and which plan has been completed and filed in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED, that a copy of said plan is hereby attached to this Resolution as "Attachment A", and be it further,

RESOLVED, that said plan is available for public inspection in the Office of the City Clerk during normal office hours, said office being located at First Floor, City Hall, Troy, New York, and be it further,

RESOLVED, that ~~December [11] 18, 2008~~ THURSDAY, January 22, 2009 at 7:00 p.m. is hereby designated as the time and the City Council Chambers, Second Floor, City Hall, as the place at which all persons interested may be publicly heard upon this proposed plan and be it further,

RESOLVED, that a summary of this Resolution be published, and mailed, pursuant to Section 980-e of the General Municipal Law and be it further,

RESOLVED, that pursuant to Section 980-e (b) of the General Municipal Law, written objections to the establishment of the proposed district from owners of real property, deemed benefited and therefore within the district, ~~and within the proposed~~ must be filed at in the Office of the City Clerk, on forms provided by said clerk, within thirty days of the conclusion of the public hearing set forth above, and be it further,

RESOLVED, if written objections from the following people are properly filed within the prescribed time limit, WHICH IS WITHIN THIRTY (30) DAYS FROM THE CONCLUSION OF THE PUBLIC HEARING, the proposed district will not be established and the establishment of a district including any of the same properties may not be considered for one year:

- A.) A.) The owner(s) of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the district proposed for establishment, as shown upon the latest completed assessment roll of the municipality;

Or

- B.) B.) at least fifty-one percent of the owners of benefited real property within the area included in the district proposed for establishment.

And be it further,

**RESOLVED, that the City Clerk's Office will be responsible to post the legal notice in the newspaper of record and collect the ballots cast from all real property owners within the District Plan, and be it further**

RESOLVED, that Elizabeth Young and Paul Macari of the Troy BID Board of Directors will be solely responsible to disseminate the proper information and documents to all property owners and tenants within the boundaries of the BID District and pursuant to Section 980-e (c) of the General Municipal Law, the summary shall include:

- - "...the business address of the municipal clerk,

- - a statement that copies of the resolution shall be made available free of charge to the public,
- - the improvements proposed and the maximum cost thereof,
- - the total annual amount proposed to be expended for improvements, maintenance and operation,
- - and a statement indicating the rights of owners to object ...”.

And be it further

**RESOLVED, that the City Clerk’s Office relinquishes all responsibility for distribution of information and documents to owners and tenants as prescribed under Article 19-A of the General Municipal Law to the BID Board of Director Members Elizabeth Young and Paul Macari, and be it further**

RESOLVED, that a copy of this resolution shall be transmitted to Elizabeth Young and Paul Macari immediately following Executive action upon this resolution.

**Resolution No. 6 Date December 4, 2008  
**Introduced by Council Member Campana Motion McGrath  
 At the request of Administration Seconded by Zalewski****

**RES. #6**

**RESOLUTION SETTING THE DATES  
 OF THE REGULAR MONTHLY MEETINGS  
 OF THE TROY CITY COUNCIL (CHARTER SECTION C-27)**

BE IT RESOLVED, that the following dates are set for the Regular Monthly Meetings of the Troy City Council for the year 2009.

<b>Regular Council Meetings, 7 p.m.</b>	<b>Finance Committee Meetings, 6 p.m.</b>
January 8, 2009	January 22, 2009
February 5, 2009	February 19, 2009
March 5, 2009	March 19, 2009
April 2, 2009	April 23, 2009
May 7, 2009	May 21, 2009
June 4, 2009	June 18, 2009
July 2, 2009	July 23, 2009
August 6, 2009	August 20, 2009
September 3, 2009	September 17, 2009
October 1, 2009	October 22, 2009
November 5, 2009	November 19, 2009
December 3, 2009	December 17, 2009

**Resolution ADOPTED by the following vote:**

Ayes: 9  
Noes: 0  
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 12/05/2008

Approved \_\_\_\_\_ Date \_\_\_\_\_

Received from the Mayor 1-7-09

Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_

City Clerk \_\_\_\_\_

Mayor \_\_\_\_\_

Resolution No. 7 Date December 4, 2008  
Introduced by Council Member Campana Motion Zalewski  
At the request of Administration Seconded by McGrath

RES. #7

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**RESOLUTION AUTHORIZING THE RELEASE OF THE LIEN ON 688 FIFTH AVENUE DUE TO THE DEATH OF THE HOME OWNER: PATRICIA KULIK**

WHEREAS, Patricia Kulik received a HOME program grant from the City of Troy in December 2004, in the amount of \$15,000.00, and

WHEREAS, the City of Troy took back a ten (10) year note and mortgage in the amount of \$15,000.00 on the property located at 688 5<sup>th</sup> Avenue, Troy, attached hereto as Exhibit "A" and made a part hereof, and

WHEREAS, the lien release date in the above-entitled note and mortgage is December 30, 2014, and

WHEREAS, Patricia Kulik passed away on January 7, 2008 and the property is being sold by the Estate of Patricia Kulik, and

WHEREAS, the sale price of the property is \$55,000.00 and is not sufficient to payoff and satisfy the first mortgage, expenses and second mortgage to the City of Troy, and

WHEREAS, the Seller (Estate of Patricia Kulik) is proposing to pay the City of Troy \$9,513.11 in full satisfaction of the note and mortgage with the City of Troy, as delineated in the proposed closing statement, attached hereto as Exhibit "B" and made a part hereof, and

WHEREAS, as a result of the hardship defined herein-above (the death of Ms. Patricia Kulik), the City desires to authorize the sale and accept the above amount in full satisfaction of the note and mortgage held by the City on 688 Fifth Avenue, Troy.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes the release of the above-defined note and mortgage for payment of \$9,513.11 to be paid at closing.

Added evening of meeting – Motion – Dunne seconded by Galuski – added to agenda

**Resolution ADOPTED by the following vote:**

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

**Troy City Clerk**

**Executive Action**

**Sent to the Mayor 12/05/2008**

**Approved \_\_\_\_\_ Date \_\_\_\_\_**

**Received from the Mayor 1-7-09**

**Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_**

**City Clerk \_\_\_\_\_**

**Mayor \_\_\_\_\_**