

ORDINANCE REPEALING:

ORDINANCE #6 AS ADOPTED BY THE TROY CITY COUNCIL AT THE REGULAR MEETING OF THE CITY COUNCIL HELD ON SEPTEMBER 4, 2008

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

Section 1. Ordinance #6 as adopted by the City Council of the City of Troy, at the Regular Meeting of the City Council held on September 4, 2008, as attached hereto and made a part hereof, is hereby REPEALED and has no further binding legal effect, in any capacity.

Section 2. It is the intention of the City Council to rescind, revoke and repeal any and all express or implied approval or consent for the execution of any document relating to the underlying transaction for which the Ordinance was approved on September 4, 2008. A copy of the certified legislation of Ordinance #6, defined herein, is attached hereto as schedule "A" and made a part hereof. All matters related to, in anyway, Ordinance #6 defined above are hereby REPEALED and are therefore INVALID and UNENFORCEABLE AS A MATTER LAW and PURSUANT TO THIS LAW.

Section 2. This act will take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 8
Noes: 1 Dunne
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 2/06/2009

Approved x Date 2/9/09

Received from the Mayor 2/9/09

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Ordinance No. 2 Date February 5, 2009
Introduced by Council Member President Campana Motion McGrath
At the request of Administration Seconded by Zalewski

ORD. #2

ORDINANCE AMENDING THE TRAFFIC SIGNALIZATION PHASE II CAPITAL BUDGET ACCOUNT # H26-3397-0203-6451 TO RECOGNIZE AND ALLOCATE ADDITIONAL FUNDING AS PER AUTHORIZATION FROM NYS DEPARTMENT OF TRANSPORTATION

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

Section 1. The Capital Fund Traffic Signalization Project # H26-3397-0203-6451 is hereby amended to provide for additional funding necessary to complete the Traffic Signalization Phase II project as provided in Schedule A titled:

“2009 Capital Fund Amendment – Traffic Signalization Project ”

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 2/06/2009

Approved x **Date** 2/9/09

Received from the Mayor 2/9/09

Veto _____ **Not Endorsed** _____

City Clerk _____

Mayor _____

MEMO IN SUPPORT

Title:

Ordinance amending the Traffic Signalization Phase II Capital Budget Account # H26-3397-0203-6451 to recognize and allocate additional funding as per authorization from NYS DOT.

Summary of Provisions:

A capital account was set up in to fund the downtown Traffic Signalization Improvements Phase II. It was determined that additional funds were necessary for the construction portion of this project. These additional funds were approved through resolution and supplemental agreement with the NYS Department of Transportation as per allocations described on the attached Schedule A.

Present Law:

N/A

Overall Budget Fiscal Impact:

No General Fund Budget Implications. Funding is provided by Federal DOT and NYS Marchiselli funds. Local match has

already been reserved through the Phase I Traffic Signalization Project.

2009 Budget Amendment

Capital Fund

	<u>Original Budget</u>	<u>CHANGE</u>	<u>Revised Budget</u>
Revenue H510			
H4597			
Federal Transportation Improvement Program	\$2,146,500.00	\$ 886,503.00	\$3,033,003.00
H5112			
State Aid - Marchiselli	\$0.00	\$ 568,703.00	\$ 568,703.00
H9950			
Interfund Transfer-General Prior Yr	\$0.00	\$ 64,000.00	\$ 64,000.00
H9950			
Interfund Transfer-Capital 1999 Impr to Traffic Signal Equipment Prog # 385 (Local Share)	\$0.00	\$ 125,548.00	\$ 125,548.00
Total Revenue	\$2,146,500.00	\$1,644,754.00	\$3,791,254.00

Expenditures H960

H26-3397-0203-6451			
Downtown Traffic Signalization Improvement Program	\$2,146,500.00	\$1,644,754.00	\$3,791,254.00

Ordinance No. 3 **Date** February 5, 2009
Introduced by Council Member President Campana **Motion** McGrath
At the request of Administration **Seconded by** Brown

ORD. #3

ORDINANCE AMENDING THE 2009 CITY BUDGET
TO INCREASE WEED AND SEED FUNDS AND ALLOCATIONS AS
PER "2008-2009 WEED AND SEED GRANT AWARD"

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

Section 1. The 2009 City Budget is hereby amended to provide for the increase in Weed and Seed funds as provided in Schedule "A" entitled:

“2009 Weed and Seed Budget 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 2/06/2009

Approved x Date 2/9/09

Received from the Mayor 2/9/09

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

MEMO IN SUPPORT

Title: Ordinance amending the 2009 City budget to allow for an increase in Weed and Seed funds so that the City of Troy is able to provide services in support of the objectives of the Weed and Seed program.

Summary of Provisions: This legislation will allow for an increase in Weed and Seed funds to allow the City of Troy to provide for services in support of the objectives of the Weed and Seed program.

Present Law: N/A

Purpose: The City of Troy was awarded a Weed and Seed Federal Grant Allocation for expenses incurred in connection with the implementation of a Weed and Seed program in the City of Troy. The grant runs from September 1, 2008 through August 31, 2009. The attached Schedule A reflects those expenses that were carried over from 2008 and not allocated in the original 2009 City budget appropriations.

Fiscal Impact: None. Fully funded by Weed and Seed grant monies.

2009 WEED AND SEED BUDGET AMENDMENT

<u>General Fund</u>	<u>Original *</u>		<u>Revised</u>
	<u>Budget</u>	<u>Change</u>	<u>Budget</u>
Revenue - A510			-
A3000-2260-0418			
Weed & Seed	\$129,750.00	\$8,286.00	\$138,036.00
Total Revenue Increase		<u>\$8,286.00</u>	

Expenditures - A960			
A3120-0302-0418			
Equipment	\$8,138.00	\$600.00	\$8,738.00
A3120-0409-0025			
Weed and Seed Consultant Services	\$48,421.00	\$7,686.00	\$56,107.00
Total Expenditure Increase		<u>\$8,286.00</u>	

*Or as Previously Amended
1/13/09 Deborah Witkowski

Ordinance No. 4 **Date** February 5, 2009
Introduced by Council Member President Campana **Motion** Zalewski
At the request of Administration **Seconded by** Galuski

ORD. #4

ORDINANCE AMENDING THE 2009 CITY BUDGET
TO INCREASE FUNDS AND ALLOCATIONS AS PER THE
"2008-2009 DCJS TRUANCY ABATEMENT GRANT AWARD"

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

Section 1. The 2009 City budget is hereby amended to provide for the increase in funds as provided in Schedule "A" entitled:

"2009 Truancy Abatement Grant Budget 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 2/06/2009

Approved x **Date** 2/9/09

Received from the Mayor 2/9/09

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

MEMO IN SUPPORT

Title: Ordinance amending the 2009 City budget to allow for an increase in funds so that the City of Troy is able to provide services in support of the objectives of the DCJS Truancy Abatement grant program.

Summary of Provisions: This legislation will allow for an increase in Truancy Abatement grant funds to allow the City of Troy to provide for services in support of the objectives of the DCJS Truancy Abatement program.

Present Law: N/A

Purpose: The City of Troy was awarded a DCJS Grant Allocation under the Juvenile Justice DCJS (Truancy Abatement) program for expenses incurred in connection with the program in the City of Troy. The grant runs from October 1, 2008 through February 28, 2009. The attached Schedule A reflects those expenses that were carried over from 2008 and not allocated in the original 2009 City budget appropriations.

Fiscal Impact: None. Fully funded by reimbursement from DCJS.

2009 Truancy Abatement Grant Budget Amendment

<u>General Fund</u>	<u>Original *</u>		<u>Revised</u>
	<u>Budget</u>	<u>Change</u>	<u>Budget</u>
Revenue - A510			-
A3000-4389-0000	\$0.00	\$26,138.00	\$26,138.00
Public Safety State Other			
Total Revenue Increase		<u>\$26,138.00</u>	
Expenditures - A960			
A3120-0301-0013			
Truancy Abatement Grant Supplies	\$0.00	\$1,544.00	\$1,544.00
A3120-0409-0013			
Truancy Abatement Grant Consultant Services	\$0.00	\$24,594.00	\$24,594.00
Total Expenditure Increase		<u>\$26,138.00</u>	

*Or as Previously Amended

Ordinance No. 5 Date February 5, 2009
Introduced by Council Member President Campana Motion McGrath
At the request of Administration Seconded by Ryan

ORD. #5

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM, TO WIT:
JACK COX V. CITY OF TROY, ET AL., INDEX NO.: 221730**

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

Section 1. On January 26, 2007, the City of Troy was served with a Summons and Complaint by Jack Cox, alleging several causes of action therein. On July 3, 2007, the City of Troy served a Verified Answer denying those allegations. A copy of both the Complaint and Answer are attached hereto as Schedule "A" and made a part hereof.

Section 2. The City of Troy Council authorizes the office of the Corporation Counsel to settle the above litigation pursuant to the terms and in the amount identified in the attached Memorandum of Support. The Corporation Counsel shall obtain a Stipulation of Discontinuance and General Release in full satisfaction of the claim prior to payment.

Section 3. 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 2/06/2009

Approved x **Date** 2/7/09

Received from the Mayor 2/9/09

Veto _____ **Not Endorsed** _____

City Clerk _____

Mayor _____

MEMORANDUM IN SUPPORT

On January 26, 2007, the City of Troy was served with a Summons and Complaint by Jack Cox, alleging several causes of action, as defined in the attached Verified Complaint. The City served a Verified Answer denying all claims and presenting several affirmative defenses. Pre-Trial discovery is completed and the note of issue –certificate of trial readiness- was filed.

On January 12, 2009, Mr. Cox (hereinafter "Plaintiff") and the City of Troy, et al (hereinafter "Defendant") attended a Court ordered trial conference on the above matter. As a result of the conference, and after lengthy discussions therein, with the Court and the Plaintiff, the parties

entered into a proposed settlement agreement. Under the terms of the proposed settlement agreement, the City of Troy conditionally agreed to pay Plaintiff the sum of \$20,000.00 in full satisfaction of any and all claims, as offered in the Verified Complaint, and is made without any admission of guilt or liability on behalf of the Defendant. The proposed settlement is conditioned upon approval from the City Council and approval from the Mayor.

The above-entitled matter has been adjourned until after the February 5, 2009 City Council meeting to allow the City Council to approve the settlement.

Ordinance No. 6 **Date** February 5, 2009
Introduced by Council Member President Campana **Motion** Ryan
At the request of Administration **Seconded by** McGrath

ORD. #6

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY
AND ESSENTIAL DOCUMENTATION TO PURCHASE REAL PROPERTY
INTERESTS REQUIRED UNDER THE UPPER CONGRESS STREET CAPITAL
IMPROVEMENT PROJECT - PURSUANT TO P.I.N. 1753.39**

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

Section 1: The City Council of the City of Troy, at a regular City Council meeting held on May 1, 2008, passed Resolution #3 -by a vote of 9-0- thus, approving the Project for the reconstruction of Route 2, between 11th Street and Pawling Avenue.

Section 2. The Laberge Group, Engineering and Design Consultant to the City of Troy for the above-entitled project, determined that it is necessary to acquire property rights in the name of the City of Troy, in the form of easements, right-of-ways and/or fee interests, along Route 2 to accommodate the design and engineering for the project.

Section 3. The Laberge Group retained the services of RK Hite & Co. -as a "sub-consultant"- to indentify the property interests required to accommodate the engineering design for the above-entitled project and negotiate for the acquisition of same. A list of the Tax Parcel ID No.'s and owners of the effected parcels are defined in Schedule "A" which is attached hereto and made a part hereof.

Section 4: Pursuant to Troy City Charter C-73(C), municipal interest in the real properties identified in Schedule "A" is necessary for a municipal purpose, is intended to describe the real property interest to be acquired and it is the intention of the City of Troy to acquire only that interest in the list of property that is necessary to accommodate to project. The City Council hereby authorizes the Mayor to negotiate for the purchase of the requisite property interests, either through the use of easements, right-of-ways or fee interest, for all real property interests required to complete the above entitled project, at a price determined to be "just compensation" under the applicable Federal and State laws. Additionally, the Council authorizes the Mayor to execute any and all documentation necessary to obtain the real property ownership interest, in the name of the City of Troy, as defined herein-above.

Section 5. This act shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 8
Noes: 1 Zalewski
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 2/06/2009

Approved x Date 2/9/09

Received from the Mayor 2/9/09

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Resolution No. 1 **Date** February 5, 2009
Introduced by Council Member President Campana **Motion** Galuski
At the request of Administration **Seconded by** Zalewski

RES. #1

**RESOLUTION APPOINTING COMMISSIONERS OF DEEDS
FOR THE CITY OF TROY**

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: 9
Noes: 0
Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 2/06/2009

Approved x Date 2/9/09

Received from the Mayor 2/9/09

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____

Resolution No. 2 Date February 5, 2009
Introduced by Council Member President Campana Motion _____
At the request of Administration Seconded by _____

WITHDRAWN

RES. #2

RESOLUTION URGING THE TROY PUBLIC LIBRARY TO NOT CLOSE THE LOCATIONS IN LANSINGBURGH AND SYCAWAY

WHEREAS, the City Council of the City of Troy, at a special meeting of the City Council, held on November 25th 2008, adopted the City Budget for fiscal year 2009, and

WHEREAS, during the 2009 budget process, neither the Executive Director nor the Board of Directors of the Troy Public Library expressed to the City Council, their intentions to close either the Sycaway or Lansingburgh branches, and

WHEREAS, the \$450,000.00 approved by the City Council and the Mayor, for the 2009 fiscal year, was intended to support the full operations of all three locations of the Troy Public Library, and

WHEREAS, it is the desire of the Troy City Council to urge the Executive Director and Board of Directors to maintain operations at both the Lansingburgh and Sycaway branches and to not close either location.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby urges the Executive Director and the Board of Directors to not close the locations in either Lansingburgh or Sycaway.

Resolution No. 3 Date February 5, 2009
Introduced by Council Member President Campana Motion Zalewski
At the request of Administration Seconded by Galuski

RES. #3

**RESOLUTION IN SUPPORT OF THE TROY PUBLIC LIBRARY'S
PLAN 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 Hicok, Executive Director of the Troy Public Library, has requested that 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 all of the 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: 9

Noes: 0

Abstain: 0

Troy City Clerk

Executive Action

Sent to the Mayor 2/06/2009

Approved x Date 2/9/09

Received from the Mayor 2/9/09

Veto _____ Not Endorsed _____

City Clerk _____

Mayor _____