

**REGULAR MEETING  
CITY COUNCIL  
April 2, 2009**

**ROLL CALL:**

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

**VETOED**

**Local Law No. 1 Date April 2, 2009  
Introduced by Council Member President Campana Motion Zalewski  
At the request of Administration Seconded by Brown**

LL # 1

LOCAL LAW NO. 1 (INTRO. # 1)  
FOR THE YEAR 2009 AMENDING THE  
TROY CITY CHARTER

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BE IT ENACTED by the City Council of the City of Troy as follows:

Section 1. Article III of the Troy City Charter is hereby amended to add Section C-11 (A) to read as follows;

Section C-11 (A) Legislative Counsel.

1. There shall be a legislative counsel to the City Council majority, appointed by the majority caucus, and a legislative counsel to the City Council minority, appointed by the minority caucus. The legislative counsel shall be admitted to the New York State Bar. Every legislative counsels shall act as legal advisors to their respective appointing authorities, and shall represent them in litigation when requested to do so by their appointing authority. They shall be entitled to the full cooperation of all City officers in the discharge of their duties as legislative counsel, and any officer of the City shall be and is required to furnish all information, reports, records and documents of any kind or nature as may be authorized by law to a legislative counsel upon request, and the same shall be furnished without the necessity of filing a written request therefore pursuant to the New York State Freedom of Information Law. Legislative counsel shall be paid a salary in an amount allocated therefore in the annual City budget, which amount shall not exceed the salary of a councilperson, the salary for the two (2) legislative counsels shall be equal. Filing fees and other incidental expenses related to any litigation undertaken by legislative counsel shall be a charge to the Judgment and Claims account, or other appropriate account of the City. For purposes of applying this section the term "caucus" shall refer to a body composed of one or more council members who are enrolled in the same political party, said political party being one of the two political parties having the highest voter enrollment in the City of Troy. The term "majority caucus" shall apply to the caucus having the larger number of council members. The term "minority caucus" shall apply to the caucus having the smaller number of council members. Nothing contained herein shall be construed to prohibit a caucus from admitting to the caucus a council member enrolled in a political party different than the political party of said caucus.

Section 2. Effective Date. This Local Law shall take effect immediately upon adoption and filing in accordance with New York State Law.

**Local Law ADOPTED by the following vote:**

Ayes: 7  
Noes: 2 McGrath & Wojcik  
Abstain: 0

Troy City Clerk

Sent to the Mayor 4/03/2009  
Received from the Mayor 4/16/09  
City Clerk \_\_\_\_\_

**Executive Action**

Approved \_\_\_\_\_ Date \_\_\_\_\_  
Veto X Not Endorsed \_\_\_\_\_  
Mayor Dan Crawley acting as Mayor

**VETOED**

Local Law No. 2 Date April 2, 2009  
Introduced by Council Member President Campana Motion Zalewski  
At the request of Administration Seconded by Dunne

LOCAL LAW NO. 2 (INTRO. # 2)  
FOR THE YEAR 2009 AMENDING C-76 (C) OF THE  
TROY CITY CHARTER

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BE IT ENACTED by the City Council of the City of Troy as follows:

Section 1. Charter Section C-76(C) shall be redacted in its entirety and replaced with the following:

C. Duties of the Corporation Counsel. The Corporation Counsel shall act as legal advisor to the Mayor, and to any City Council Member, upon the request of the said City Council Member. The Corporation Counsel shall appear for and protect the rights and interests of the City in all actions, suits or proceedings brought by it or against it or against any City officer, department, board or commission in connection with municipal business. The Corporation Counsel may, with the written consent of the Mayor and the City Council and at a compensation approved by the Mayor and the City Council, employ and/or retain legal counsel to assist the Corporation Counsel with litigation and/or any other duty within the Law Department in which the City or any officer thereof is interested or is a party.

Section 2. Effective Date. This Local Law shall take effect immediately upon adoption and filing in accordance with New York State Law.

**Local Law ADOPTED by the following vote:**

Ayes: 8  
Noes: 1 McGrath  
Abstain: 0

Troy City Clerk

Sent to the Mayor 4/03/2009  
Received from the Mayor 4/16/09  
City Clerk \_\_\_\_\_

**Executive Action**

Approved \_\_\_\_\_ Date \_\_\_\_\_  
Veto X Not Endorsed \_\_\_\_\_  
Mayor Dan Crawley acting as Mayor

Ordinance No. 1 Date April 2, 2009  
Introduced by Council Member President Campana Motion Galuski  
At the request of Administration Seconded by Zalewski

ORD. # 1

**ORDINANCE APPROVING QUITCLAIM DEED FROM CITY OF TROY TO RBS  
CITIZENS, N.A.**

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

Section 1. The City Council authorizes the conveyance of real property located at Spring Avenue (SBL No.: 112.59-4-1) to RBS Citizens N.A.

Section 2. The Mayor of the City of Troy is hereby authorized to execute the necessary documents to effectuate the conveyance or transfer of any title or interest that the City of Troy has in the real property located at Spring Avenue (SBL No.: 112.59-4-1).

Section 3. The execution of the Quit Claim Deed from the City of Troy to RBS Citizens, N.A. is contingent upon RBS Citizens, N.A. paying all monies due and owed in real property taxes, interest, penalties and fees for said parcel on or before March 31, 2009; and upon RBS Citizens providing the necessary documents to the City of Troy for such conveyance.

Section 4. This Ordinance will take effect immediately.

Approved as to form, March 10, 2009

\_\_\_\_\_  
Charles A. Sarris, Acting Corporation Counsel

**Ordinance ADOPTED by the following vote:**

Ayes: 9  
Noes: 0  
Abstain: 0

**Troy City Clerk**

Sent to the Mayor 4/03/2009  
Received from the Mayor 4/21/09  
City Clerk \_\_\_\_\_

**Executive Action**

Approved X Date \_\_\_\_\_  
Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_  
Mayor \_\_\_\_\_

**MEMORANDUM IN SUPPORT**

PROPERTY: Spring Avenue (SBL No. 112.59-4-1)  
ATTORNEY: Michael Kornstein, Cooper, Erving and Savage, Albany

The City of Troy took title to a vacant lot on Spring Avenue (SBL No. 112.59-4-1) in the most recent In Rem proceeding. The property adjoins residential property in The

Town of Brunswick, which RBS Citizens, NA took title to through a mortgage foreclosure proceeding. RBS Citizens is also claiming title to the Spring Avenue Parcel as part of its foreclosure proceeding, which was conducted prior to the City's In Rem proceeding.

RBS Citizens, NA has a prospective buyer willing to purchase the property. If RBS Citizens NA sells the property, all outstanding taxes, penalties, interest and fees will be paid to the City of Troy.

The Ordinance will authorize the Mayor of the City of Troy to execute a quitclaim deed and all other documents necessary to convey title of the Spring Avenue property, contingent upon RBS Citizens, A paying all outstanding taxes, penalties, interest and fees owed on the property, to the City of Troy.

**Ordinance No.** 2 **Date** April 2, 2009  
**Introduced by Council Member** President Campana **Motion** Zalewski  
**At the request of** Administration **Seconded by** Dunne

**ORD. # 2**

**ORDINANCE AUTHORIZING THE EXECUTION OF QUIT CLAIM DEED AND SUPPORTING DOCUMENTS TO QUIET TITLE FOR 31 JEFFERSON STREET, TROY NEW YORK**

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

Section 1. By deed dated November 2, 1978, executed by Barbara Flynn, Treasurer for the City of Troy, the City acquired title to 31 Jefferson Street, Troy, New York.

Section 2. On or about April 25, 1979, Jerold Palma and Patricia Palma acquired title to 31 Jefferson Street, Troy, New York by deed made, executed and delivered by the City of Troy, said deed having been lost or misplaced and not having been recorded in the Office of the Rensselaer County Clerk.

Section 3. For the period April 25, 1979 through March 1, 2005, the City billed and collected and Jerold and Patricia Palma paid real property taxes on 31 Jefferson Street Troy, New York.

Section 4. On or about March 1, 2005 Jerold and Patricia Palma executed and delivered a deed conveying title of 31 Jefferson Street, Troy New York to Rosely Dafna.

Section 5. On January 9, 2008 Wells Fargo Bank, N.A. was assigned the mortgage on 31 Jefferson Street, Troy, New York and discovered during a title search that there was a gap in the chain and that no deed from the City of Troy to Jerold and Patricia Palma had been recorded in the Office of the Rensselaer County Clerk.

Section 6. The City Council of the City of Troy hereby authorizes the Mayor to execute all documents, including a Quit Claim deed, a TP-581-4 and RP-5217 in favor of Rosely Dafna.

Section 7. This act will take effect immediately.

Approved as to form, March 10, 2009

Charles A. Sarris, Acting Corporation Counsel

**Ordinance ADOPTED by the following vote:**

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

**Troy City Clerk**

**Sent to the Mayor** 4/03/2009  
**Received from the Mayor** 4/21/09  
**City Clerk** \_\_\_\_\_

**Executive Action**

**Approved** X **Date** \_\_\_\_\_  
**Veto** \_\_\_\_\_ **Not Endorsed** \_\_\_\_\_  
**Mayor** \_\_\_\_\_

**MEMO IN SUPPORT**

**TITLE:** Ordinance Authorizing the Execution of a Quit Claim Deed and Supporting Documents to Quiet Title for 31 Jefferson Avenue, Troy, New York.

**SUMMARY OF PROVISIONS:** This legislation will quiet title and correct an oversight by a previous owner of City property.

**PRESENT LAW:** N/A

**FISCAL IMPACT:** None

**Ordinance No.** 3 **Date** April 2, 2009  
**Introduced by Council Member** President Campana **Motion** Zalewski  
**At the request of** Administration **Seconded by** Dunne

**ORD. # 3**

**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 21 120<sup>th</sup> Street (S/B/L: #80.40-3-9).

Section 2. Pursuant to City Code Section 83-5, “Reconveyance of Foreclosure Property”, former owner, Terrance Ryan, 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, Terrance Ryan and Margaret Ryan, as soon as practicable.

Section 5. This act will take effect immediately.

Approved as to form, February 17, 2009

\_\_\_\_\_  
Charles A. Sarris, Acting Corporation Counsel

**Ordinance ADOPTED by the following vote:**

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

**Troy City Clerk**

Sent to the Mayor 4/03/2009  
Received from the Mayor 4/21/09  
City Clerk \_\_\_\_\_

**Executive Action**

Approved X Date \_\_\_\_\_  
Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_  
Mayor \_\_\_\_\_

**Resolution No.** 1 **Date** April 2, 2009  
**Introduced by Council Member** President Campana **Motion** Ryan  
**At the request of** Administration **Seconded by** McGrath

RES. # 1

RESOLUTION AUTHORIZING MAYOR TUTUNJIAN TO  
EXECUTE A CONTRACT WITH RENSSELAER COUNTY FOR  
SNOW AND ICE CONTROL ON OAKWOOD AVENUE

WHEREAS, the City of Troy and Rensselaer County desire to continue the long standing relationship for the snow and ice control on Oakwood Avenue, and

WHEREAS, the terms, rights and responsibilities of the parties are defined in the proposed agreement, attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby authorizes Mayor Tutunjian to execute a contract with Rensselaer County for snow and ice removal on Oakwood Avenue and said contract will be in substantial compliance with the contract attached hereto and made a part hereof.

Approved as to form, April 2009

\_\_\_\_\_  
Charles A. Sarris, Acting Corporation Counsel

**Resolution ADOPTED by the following vote:**

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

**Troy City Clerk**

**Sent to the Mayor** 4/03/2009  
**Received from the Mayor** 4/21/09  
**City Clerk** \_\_\_\_\_

**Executive Action**

**Approved** X **Date** \_\_\_\_\_  
**Veto** \_\_\_\_\_ **Not Endorsed** \_\_\_\_\_  
**Mayor** \_\_\_\_\_

**Resolution No.** 2 **Date** April 2, 2009  
**Introduced by Council Member** President Campana **Motion** Ryan  
**At the request of** Administration **Seconded by** McGrath

**RES. # 2**

**RESOLUTION AUTHORIZING MAYOR TUTUNJIAN TO SUBMIT THE GRANT APPLICATION CONSISTENT WITH THE REQUEST FOR FUNDING PROPOSALS (“RFFP”) FOR THE “RESTORE NY COMMUNITIES INITIATIVE” MUNICIPAL GRANT PROGRAM**

\_\_\_\_\_  
WHEREAS, Governor David Paterson and the State of New York recently announced round three of the “Restore New York Communities Initiative” where, in partnership with the Empire State Development Corporation, the initiative seeks to provide assistance to municipalities to help finance ongoing efforts to revitalize urban centers, encourage economic development, and add value to the community housing stock, and

WHEREAS, Mayor Harry J. Tutunjian desires to make application, on behalf of the City of Troy, for one project with the maximum grant allowed in the amount of Five (5) Million dollars, and

WHEREAS, the City Council of the City of Troy deems the proposed “Proctor’s Theater Redevelopment Project” to be consistent with the existing local comprehensive and revitalization plans for Downtown Troy; the proposed financing is appropriate for the specific facility or projects; the project facilitates effective and efficient use of existing and future public resources so

as to promote both economic development and preservation of community resources; and where applicable, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

NOW THEREORE BE IT RESOLVED, that the City Council of the City of Troy hereby authorizes the Mayor to submit the grant application consistent with the Request for Funding Proposals ("RFP") for the "Restore NY Communities Initiative" Municipal Grant Program, consistent with proposed project attached hereto and made a part hereof.

Approved as to form, April 2, 2009

\_\_\_\_\_  
Charles Sarris, Acting Corporation Counsel

**Resolution ADOPTED by the following vote:**

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

**Troy City Clerk**  
**Sent to the Mayor** 4/03/2009  
**Received from the Mayor** 4/21/09  
**City Clerk** \_\_\_\_\_

**Executive Action**  
**Approved** X **Date** \_\_\_\_\_  
**Veto** \_\_\_\_\_ **Not Endorsed** \_\_\_\_\_  
**Mayor** \_\_\_\_\_

Save room for attachment

**Resolution No.** 3 **Date** April 2, 2009  
**Introduced by Council Member** President Campana **Motion** Zaluewski  
**At the request of** Administration **Seconded by** Dunne

RES. #3

**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".

Approved as to form, March 12, 2009

\_\_\_\_\_  
Charles A. Sarris, Acting Corporation Counsel

**Resolution ADOPTED by the following vote:**

Ayes: 9  
Noes: 0  
Abstain: 0

Troy City Clerk  
Sent to the Mayor 4/03/2009  
Received from the Mayor 4/21/09  
City Clerk \_\_\_\_\_

Executive Action  
Approved X Date \_\_\_\_\_  
Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_  
Mayor \_\_\_\_\_

Resolution No. 4 Date April 2, 2009  
Introduced by Council Member President Campana Motion Zaluewski  
At the request of Administration Seconded by Dunne

**DEFEATED**

RES. # 4

**RESOLUTION RECOGNIZING THE EXISTENCE OF A UNITED PUBLIC SERVICE  
EMPLOYEES UNION BARGAINING UNIT FOR CERTAIN  
APPOINTED NON- REPRESENTED CITY EMPLOYEES**

WHEREAS, The United Public Service Employees Union brought Petition CT 5834 before the New York State Employee Relations Board for the certification of a bargaining unit to include all senior non-represented City employees.

WHEREAS, The City and the United Public Service Employee Union have negotiated a resolution to the issue of representation to include the following titles:

- Assessor
- Assistant to City Clerk
- Assistant Operations Manager
- Chief Water Plant Operator
- City Auditor
- City Engineer
- Commissioner of Planning and Community Development
- Deputy City Clerk
- Deputy Comptroller for Financial Operations
- Grants Writing Specialist
- Personnel Associate
- Recreations Director
- Superintendent of Water and Sewer

NOW THEREFORE, BE IT RESOLVED, The City recognizes a United Public Service Employee Union bargaining unit comprising the aforementioned thirteen non-represented employee titles.

Approved as to form, March 10, 2009

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Charles A. Sarris, Acting Corporation Counsel

**Resolution DEFEATED by the following vote:**

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

**Troy City Clerk**

**Sent to the Mayor** 4/03/2009  
**Received from the Mayor** \_\_\_\_\_  
**City Clerk** \_\_\_\_\_

**Executive Action**

**Approved** \_\_\_\_\_ **Date** \_\_\_\_\_  
**Veto** \_\_\_\_\_ **Not Endorsed** \_\_\_\_\_  
**Mayor** \_\_\_\_\_

**Resolution No.** 5 **Date** April 2, 2009  
**Introduced by Council Member** President Campana **Motion** Zaluewski  
**At the request of** Administration **Seconded by** Ryan

**RES. # 5**

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE EXTENSION AGREEMENT WITH M&M ENTERPRISES & CATERING. LLC FOR THE FREAR PARK GOLF COURSE RESTAURANT, BACK NINE BUILDING AND USE OF ANNEX BUILDING

WHEREAS, on the first day of April 2007, the City of Troy entered into a commercial lease with M&M Enterprises & Catering, LLC for the Frear Park Golf Course Restaurant, back nine building and annex building.

WHEREAS, the commercial lease will expire on March 31, 2012.

WHEREAS, it is the desire and intent of the City of Troy to enter into a lease extension agreement consistent with the provisions of the Frear Park Concession Lease Extension, March 2009 attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Toy hereby authorizes the Mayor to execute a lease extension with M&M Enterprises & Catering, LLC for the Frear Park Golf Course Restaurant, back nine building and annex building for rink events.

Approved to form, March 17, 2009

\_\_\_\_\_  
Charles A. Sarris, Acting Corporation Counsel

**Resolution ADOPTED by the following vote:**

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

**Troy City Clerk**

**Sent to the Mayor** 4/03/2009  
**Received from the Mayor** 4/21/09  
**City Clerk** \_\_\_\_\_

**Executive Action**

**Approved** X **Date** \_\_\_\_\_  
**Veto** \_\_\_\_\_ **Not Endorsed** \_\_\_\_\_  
**Mayor** \_\_\_\_\_

Resolution No. 6 Date April 2, 2009  
Introduced by Council Member President Campana Motion Zaluewski  
At the request of Administration Seconded by Dunne

RES. #6

**RESOLUTION 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 on 4/30/09 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, must be filed at 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.

Approved as to form, March 18, 2009

Charles A. Sarris, Acting Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes:** 7  
**Noes:** 2 Galuski & Campana  
**Abstain:** 0

**Troy City Clerk**

Sent to the Mayor 4/03/2009  
Received from the Mayor 4/14/09  
City Clerk \_\_\_\_\_

**Executive Action**

Approved X Date 4/14/09  
Veto \_\_\_\_\_ Not Endorsed \_\_\_\_\_  
Mayor \_\_\_\_\_

**Resolution No.** 7 **Date** April 2, 2009  
**Introduced by Council Member** President Campana **Motion** Zalewski  
**At the request of** Administration **Seconded by** Dunne

**RES. # 7**

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY TO EXECUTE ALL AGREEMENTS OR CERTIFICATIONS ON BEHALF OF THE CITY OF TROY, WITH NYSDOT IN CONNECTION WITH THE ADVANCEMENT OF THE RECONSTRUCTION OF THE CONGRESS-FERRY CORRIDOR AS AN ECONOMIC RECOVERY PROJECT**

WHEREAS, The NY 2: 5<sup>TH</sup> Avenue to 11<sup>th</sup> Street, City of Troy Economic Recovery Project(s) (hereinafter the "the Projects") in the City of Troy, in Rensselaer County, (hereinafter "the Municipality/Sponsor") is (are) eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

NOW, THERFORE, the Municipal/Sponsor Council duly convened does hereby:

RESOLVE, that the Municipal/Sponsor Council hereby approves the above Projects; and it is hereby further

RESOLVED, that the Municipality/Sponsor agrees to advance the Projects through: (Check only one of the following boxes):

1) The Municipality/Sponsor's resources and agrees that the Municipal/Sponsor Board hereby authorizes the Municipality/Sponsor to pay in the first instance the full federal costs and full non-federal costs of any and all phase(s) or portions thereof and hereby appropriates from H26-5197-0203-6452 the funds necessary to complete the Project(s) including all phase(s) or portions thereof

RESOLVED, that the Municipal/Sponsor Council makes a 100% commitment of the non-federal share (if any) of the costs of Construction phase(s) of work for the Project(s) or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter "NYSDOT") pursuant to the State/Local Agreement and it is hereby further

RESOLVED, that the sum of \$7,254,669.00 (Seven million two hundred fifty four thousand six

hundred sixty nine dollars and no cents) is hereby appropriated from H26-5197-0203-6452 and made available to cover the cost of participation in the above phase(s) of the Project(s); and hereby appropriates from H26-5197-0203-6452 the funds necessary to complete the Project(s) including all phase(s) or portions thereof; and it is further

RESOLVED, that upon completion of construction of the Projects, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project(s), or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Municipal/Sponsor Council shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the Mayor of the City of Troy is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Projects identified in the State/Local Agreement; and providing for the administration of the Projects and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project(s); and it is further

RESOLVED, that this Resolution shall take effect immediately

Approved as to form, July 6, 2009

\_\_\_\_\_  
Charles A. Sarris, Acting Corporation Counsel

**Resolution ADOPTED by the following vote:**

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

**Troy City Clerk**

**Sent to the Mayor** 4/03/2009  
**Received from the Mayor** 4/8/09  
**City Clerk** \_\_\_\_\_

**Executive Action**

**Approved** X **Date** 4/7/09  
**Veto** \_\_\_\_\_ **Not Endorsed** \_\_\_\_\_  
**Mayor** \_\_\_\_\_

**Resolution No.** 8 **Date** April 2, 2009  
**Introduced by Council Member** President Campana **Motion** Zalewski  
**At the request of** Administration **Seconded by** Dunne

**RES. # 8**

RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100 PERCENT OF THE FEDERAL –AID AND STATE “MARCHISELLI”

PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT,  
AND APPROPRIATING FUNDS THEREFORE.

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WHEREAS; a Project for the Reconstruction of NY2, from 5<sup>th</sup> Avenue to 11<sup>th</sup> Street (Congress Ferry Corridor), City of Troy, P.I.N. 1756.62 (the "Project") is eligible for funding under Title 23 U.S. Code as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and Right of Way Phases.

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

RESOLVE, that the City Council hereby approves the above-subject 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 federal and non-federal share of the cost of Preliminary Engineering and Right of Way work for the Project or portions, thereof; and it is further

RESOLVED, that the sum of \$930,000.00 (Nine hundred thirty thousand dollars and no cents) has already been appropriated from General Fund and made available to cover the cost of participation in the Preliminary Engineering and Right of Way phase of the Project; and it is further

RESOLVED, that the additional sum of \$2,225.00 (Two thousand two hundred twenty five dollars and no cents) for Right of Way is hereby appropriated from H26-5197-0203-6452 and made available to cover the additional cost of participation in the Right of Way phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Troy, County of Rensselaer, New York is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Troy with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further.

RESOLVED, this Resolution shall take effect immediately

Approved as to form, March 24, 2009

\_\_\_\_\_  
Charles A. Sarris, Acting Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes:**            **9**

**Noes:**            **0**

**Abstain:**        **0**

**Troy City Clerk**

**Sent to the Mayor** 4/03/2009

**Received from the Mayor** 4/8/09

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

**Executive Action**

**Approved** X **Date** 4/7/09

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

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