

**REGULAR MEETING
CITY COUNCIL
May 7, 2009**

ROLL CALL:

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

Local Law No. 1 **Date** May 7, 2009
Introduced by Council Member President Campana **Motion** Zalewski
At the request of Administration **Seconded by** Dunne

LL # 1

**LOCAL LAW NO. 1 (INTRO #1 FOR 2009)
AMENDING C-11 OF THE TROY CITY CHARTER**

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

The City Council, in regular session of the City Council, hereby Votes to Override the Mayoral Veto of April 16, 2009 on Local Law #1 (Intro #1 for 2009) as attached hereto and made a part hereof.

Local Law Veto Overridden by the following vote:

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

Mayoral signature not needed with Majority override.

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

L.L. # 2

LOCAL LAW #2

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

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

The City Council, in regular session of the City Council, hereby Votes to Override the Mayoral Veto of April 16, 2009 on Local Law #2 (Intro #2 for 2009) as attached hereto and made a part hereof.

Local Law Veto Overridden by the following vote:

Ayes: 8
Noes: 1 McGrath
Abstain: 0

Mayoral signature not needed with Majority override.

Ordinance No. 1 Date May 7, 2009
Introduced by Council Member President Campana Motion Ryan
At the request of Administration Seconded by McGrath

ORD. # 1

**ORDINANCE AMENDING THE TROY CITY CODE OF ORDINANCES
CHAPTER 216 "PARKS AND RECREATION"**

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

Section 1. Chapter 216 of the Troy City Code Ordinances, "Parks and Recreation", is hereby amended by the amended sections 216-8 to 216-10 as follows:

Section 216-8 Fees For Knickerbacker Ice Skating Facility

Section 216-8 A (1) Ice Rental, Hourly is increased to \$175.00
Section 216-8 B (3) Lunch Hour Skating increased to \$3.00

Section 216-9 Field Use Fees

Section 216-9 A (1) Per Season, Per Team, All Sports is increased to \$400.00

Section 216-10 Rental Fees For Park Facilities

Section 216-A Prospect Park Pavilion is increased to \$200.00

Section 2. This act will take effect immediately.

Approved as to form, May 7, 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 5-8-09 Executive Action
Approved X Date 5/13/09
Received from the Mayor 5/19/09 Veto _____ Not Endorsed _____
City Clerk _____ Mayor _____

Ordinance No. 2 Date May 7, 2009
Introduced by Council Member President Campana Motion Dunne
At the request of Administration Seconded by McGrath

RES. # 2

**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, April 16, 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 5-8-09 Executive Action
Approved X Date 5/13/09
Received from the Mayor 5/19/09 Veto _____ Not Endorsed _____
City Clerk _____ Mayor _____

Ordinance No. 3 Date May 7, 2009
Introduced by Council Member President Campana Motion Zalewski
At the request of Administration Seconded by Dunne

ORD # 3

**ORDINANCE AUTHORIZING THE APPROPRIATION FROM THE CITY OF
TROY 2009 WATER FUND UNAPPROPRIATED UNRESERVED FUND BALANCE**

**AND AMENDING THE 2009 WATER FUND BUDGET FOR THE PURPOSE OF
PURCHASING VEHICLES AND EQUIPMENT
FOR THE DEPARTMENT OF PUBLIC UTILITIES**

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

Section 1. The City of Troy 2009 Water Fund Budget is herein amended as set forth in Schedule A entitled:

2009 Water Fund Balance Transfer

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, April 27, 2009

Charles Sarris, Acting Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X **Date** 5/13/09
Veto _____ **Not Endorsed** _____
Mayor _____

MEMO IN SUPPORT

Title: Ordinance authorizing appropriation from the unreserved unappropriated water fund balance and amending the 2009 water fund for the purpose of vehicle and equipment purchases for the Department of Public Utilities.

Summary of Provisions: The Department of Public Utilities would like to purchase the following capital equipment to replace or supplement the current equipment used by the department.

2009 Capital Budget Request Department of Public Utilities

<u>Equipment</u>	Quantity	Cost	Total
4x4 1 Ton Utility Truck Enclosed Cap w/plov	4	\$32,000.00	\$128,000.00

4x4 1 Ton Pickup SRW 8' Bed w/plow	2	\$26,000.00	\$52,000.00
RT Backhoe extend boom ditching knuckle	1	\$75,000.00	\$75,000.00
Single Axle Dump Truck	2	\$120,000.00	\$240,000.00
Heavy Duty General Equipment Trailer	1	\$10,000.00	\$10,000.00
Heavy Duty Utility Caps for Supervisor Trucks	4	\$5,000.00	\$20,000.00
Valve Exercising Equipment	1	\$25,000.00	\$25,000.00
Valves	Various	\$60,000.00	\$60,000.00
		Subtotal	<u>\$610,000.00</u>

Estimated costs are based upon either New York State bid prices, similar equipment recently purchased or preliminary quotes by vendors.

Present Law: N/A

Overall Budget Fiscal Impact: Appropriates funds from the water fund unreserved, unappropriated fund balance and amend the 2009 water fund budget.

Committee: Finance/Public Utilities

Ordinance No. 4 **Date** May 7, 2009
Introduced by Council Member President Campana **Motion** Zalewski
At the request of Administration **Seconded by** Dunne

ORD. # 4

ORDINANCE AMENDING THE 2009 CITY BUDGET TO ACCEPT DONATED FUNDS FOR SERVICES RELATED TO THE WEED AND SEED PROGRAM

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

Section 1. The City of Troy 2009 budget is herein amended as set forth in Schedule A entitled:

General Fund 2009 Budget Amendment – Weed and Seed Donation

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, April 27, 2009

Charles Sarris, Acting Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action
Approved X **Date** 5/13/09
Veto _____ **Not Endorsed** _____
Mayor _____

MEMO IN SUPPORT

Title: Ordinance amending the 2009 Police Department Operating Budget to amend appropriations.

Summary of Provisions: This legislation will accept funds donated from various sources including the United Way grant fund and other private sources to augment and enhance the Weed and Seed program.

Present Law: N/A

Purpose: The City has accepted and deposited into the General Fund account for gifts and donations an amount equaling \$1,042.00 for the purpose of augmenting and enhancing the Weed and Seed program.

Overall Budget Fiscal Impact: None. Revenues and Expenses are adjusted equally.

SCHEDULE A
City of Troy 2009 Budget Amendment

Public Safety - Police
Weed and Seed Donation

	<u>Original *</u> <u>Budget</u>	<u>Change</u>	<u>Revised</u> <u>Budget</u>
2009 Budget Amendment			
<u>General Fund</u>			
Revenue - A510			
A1000-2705-0000			
Weed and Seed Donations	0.00	1,042.00	1,042.00
(\$20.00 + \$75.00 + \$947.00)			
Total Revenue Increase		1,042.00	

Expenditures - A960

A3120-0301-0418-0000 Supplies	966.00	95.00	1,061.00
A3120-0302-0418-0000 Small tools and Equipment	8,138.00	947.00	9,085.00
Total Expenditure Increase		<u><u>1,042.00</u></u>	

* or as previously amended
4/16/09 DW

Ordinance No. 5 Date May 7, 2009
Introduced by Council Member President Campana Motion Galuski
At the request of Administration Seconded by McGrath

ORD # 5

**ORDINANCE AMENDING THE 2009 GENERAL FUND
CITY BUDGET TO ACCEPT A FEDERAL EMERGENCY MANAGEMENT
AGENCY AND DEPARTMENT OF HOMELAND SECURITY
“ASSISTANCE TO FIREFIGHTERS GRANT”**

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

Section 1. The 2009 City General Fund Budget is hereby amended to accept grant fund revenue and modify appropriations within the 2009 Fire Department Operating Budget as provided in Schedule “A” entitled:

**Public Safety – Fire
“Assistance to Firefighters Grant”**

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, April 27, 2009

Charles Sarris, Acting Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action
Approved X Date 5/13/09
Veto _____ Not Endorsed _____
Mayor _____

**FIRE DEPARTMENT MEMORANDUM OF SUPPORT
FOR AMENDING THE BUDGET**

Title: Ordinance amending the 2009 general fund city budget to accept A
"FEMA and Department of Homeland Security" Assistance to
firefighters grant for the purchase of fire department equipment.

**Effect on
Present Law:** None

Purpose: This grant will allow for the replacement of all major components of
the current fire department radio system and includes such items as
comparators, receivers, repeaters, batteries and back-ups, chargers,
portable radios, and an emergency generator for the main radio
facility. Additionally, the grant will include funds for thermal imaging
cameras, and computer equipment for assistance in compliance with
NFPA 1500 and 1581.

Fiscal Impact: The total project as awarded is \$346,728 by
which 90% will be reimbursed by this federal grant and \$34,672 will
come from a local share (from fire department line A3410-0303-
0000).

Council Committee: Public Safety/Finance

SCHEDULE A
City of Troy 2009 Budget Amendment
Public Safety - Fire Department
Assistance to Firefighter's Grant

Original *		Revised
<u>Budget</u>	<u>Change</u>	<u>Budget</u>

2009 Budget Amendment

General Fund

Revenue - A510

A5000-4960-0000

FEMA - Assistance To Firefighter Grant \$ - \$ 312,056 \$ 312,056

Total Revenue Increase

\$ 312,056

Expenditures - A960

A3410-0203-0000

\$ - \$ 346,728 \$ 346,728

Other Equipment

A3410-0303-0000

\$ 120,000 \$ (34,672) \$ 85,328

Total Expenditures Increase

\$ 312,056

Ordinance No. 6 **Date** May 7, 2009

Introduced by Council Member President Campana **Motion** Ryan

At the request of Administration **Seconded by** Zalewski

ORD # 6

ORDINANCE AUTHORIZING THE APPROPRIATION FROM THE CITY OF TROY RESERVED FUND BALANCE (CAPITAL RESERVE) AND AMENDING THE 2009 CAPITAL FUND FOR THE PURPOSE OF ESTABLISHING A STREET PAVING CAPITAL PROJECT ACCOUNT PER THE 2009 CAPITAL PLAN

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

Section 1. The City of Troy 2009 CAPITAL BUDGET is herein amended as set forth in Schedule A entitled:

2009 Capital Street Paving Project

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, April 27, 2009

Charles Sarris, Acting Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Troy City Clerk
Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action
Approved X Date 5/13/09
Veto _____ Not Endorsed _____
Mayor _____

MEMO IN SUPPORT

Title: Ordinance authorizing appropriation from the reserved fund balance to establish and fund a capital budget account for the purpose of initiating a street-paving program in the summer of 2009 as per the approved 2009 Capital Plan.

Summary of Provisions: This legislation will authorize the appropriation from the reserved fund balance and establish a capital account for a 2009 street-paving program.

Present Law: N/A

Overall Budget Fiscal Impact: Appropriates funds from the reserved fund balance and funds the 2009 capital street paving project in the amount of \$1,200,000.

SCHEDULE A

2009 Capital Reserve Street Paving Project

Acct No.	Project Description	Current Budget	Change	Revised Budget
2009 Capital Projects				
Interfund Revenues H960				
H5031	Transfer from General Fund Capital Reserve	<u>\$0.00</u>	<u>\$1,200,000.00</u>	<u>\$1,200,000.00</u>
To: Expenditures H510				
H29-5197-0200-9549	2009 Street Paving Project	<u>\$0.00</u>	<u>\$1,200,000.00</u>	<u>\$1,200,000.00</u>
		<u>\$0.00</u>	<u>\$1,200,000.00</u>	<u>\$1,200,000.00</u>
General Fund				
Appropriated Capital Reserve				
A889	Capital Reserve	<u>\$3,035,574.00</u>	<u>(\$1,200,000.00)</u>	<u>\$1,835,574.00</u>
		<u>\$3,035,574.00</u>	<u>(\$1,200,000.00)</u>	<u>\$1,835,574.00</u>
Interfund Transfer				
A9950-0900	Transfer to Capital Fund	<u>\$0.00</u>	<u>\$1,200,000.00</u>	<u>\$1,200,000.00</u>

DW 5/10/09

Ordinance No. 7 Date May 7, 2009
Introduced by Council Member President Campana Motion McGrath
At the request of Administration Seconded by Galuski

ORD # 7

**ORDINANCE AMENDING THE 2009 GENERAL FUND CITY BUDGET TO
ACCEPT A "CANINE" GRANT FROM THE NEW YORK STATE DIVISION OF
CRIMINAL JUSTICE SERVICES**

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

Section 1. The 2009 City General Fund Budget is hereby amended to accept NYS DCJS Grant Fund revenue and modify appropriations within the 2009 Police Department Operating budget as provided in Schedule "A" entitled:

"Canine Grant"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, April 27, 2009

Charles Sarris, Acting Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X Date 5/13/09
Veto _____ Not Endorsed _____
Mayor _____

**DEPARTMENT OF PUBLIC SAFETY BUREAU OF POLICE
MEMORANDUM OF SUPPORT FOR AMENDING THE BUDGET**

Title: Ordinance amending the 2009 General Fund City budget to accept a "Canine " Grant from the NYS Division of Criminal Justice Services.

Summary of Provisions:

Amends the 2009 General Fund City budget to accept a "Canine" Grant on behalf of the NYS Division of Criminal Justice Services for the purpose of retaining an additional canine unit for the Troy Police Department. The funds provided will cover expenses related to the

purchase of a new canine vehicle and related expenses as indicated in the grant proposal.

Effect on Present Law: None

Fiscal Impact: Increase City Budget Revenues and Appropriations by \$30,000.

Council Committee: Public Safety/Finance

SCHEDULE A City of Troy 2009 Budget Amendment

Public Safety - Police Canine Grant

	<u>Original *</u> <u>Budget</u>	<u>Change</u>	<u>Revised</u> <u>Budget</u>
2009 Budget Amendment			
<u>General Fund</u>			
Revenue - A510			
A3000-3389-0000 - Public Safety Other			
DCJS - Crime Control	\$ -	\$ 30,000	\$ 30,000
Total Revenue Increase		<u>\$ 30,000</u>	
Expenditures - A960			
A3120-0202-0000			
Vehicles and Equipment	\$0	\$30,000	\$30,000
Total Expenditure Increase		<u>\$ 30,000</u>	

* or as previously revised
04/01/09 D Witkowski

Ordinance No. 8 Date May 7, 2009
Introduced by Council Member President Campana Motion McGrath
At the request of Administration Seconded by Dunne

ORD. # 8

**ORDINANCE AMENDING THE 2009 CITY BUDGET TO TRANSFER FUNDS
WITHIN THE GENERAL, WATER, AND SEWER FUNDS BUDGET LINES**

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

Section 1. The City of Troy 2009 GENERAL, WATER, AND SEWER FUNDS budgets is herein amended and set forth in Schedule A entitled:

May 2009 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form April 27, 2009

Charles Sarris, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X **Date** 5/13/09
Veto _____ **Not Endorsed** _____
Mayor _____

MEMO IN SUPPORT

Title: Ordinance amending the 2009 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 1st and the City Council passes the budget in December. The several hundred expense categories contained in the 2009 budget are estimates of those expenses made in 2008 for 2009.

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.

2009

May Budget Amendment

Department	Account No.	Description	Original Budget*	Change (+ / -)	Revised Budget
General Fund					
Comptrollers Office Cash Receipts	A1325-0404-0068	Repairs to Equipment	850	200.00	1,050
Comptrollers Office Cash Receipts	A1325-0405-0068	Rentals of Equipment	1,000	(200.00)	800
Comptrollers Office Cash Receipts	A1325-0409-0077	Parking Ticket Billing	3,000	(995.00)	2,005
City Services Administration	A1490-0301-0000	Office Supplies	900	500.00	1,400
DPW - Facilities Maintenance	A1620-0303-0000	Other Materials and Supplies	42,000	10,000.00	52,000
DPW - Facilities Maintenance	A1620-0404-0068	Repairs to Equipment	25,000	5,000.00	30,000
DPW - Central Garage	A1640-0301-0000	Office Supplies	1,000	500.00	1,500
DPW - Central Garage	A1640-0304-0056	Vehicle Exp. Gas & Oil	645,000	(86,000.00)	559,000
DPW - Central Garage	A1640-0304-0057	Vehicle Exp. Parts & Supplies	220,000	10,000.00	230,000
DPW - Central Garage	A1640-0304-0058	Vehicle Exp. Repairs	125,000	10,000.00	135,000
Police Department	A3120-0103-0418	Weed & Seed Overtime	54,895	5,750.00	60,645
Police Department	A3120-0409-0418	Weed & Seed Consultants	4,955	(2,250.00)	2,705
Police Department	A3120-0409-0025	Weed & Seed Consultants	48,421	(4,500.00)	43,921
Police Department	A3120-0409-0024	K-9 Expenses	4,600	3,000.00	7,600
Police Department	A3120-0409-0059	Veternarian Services	15,000	(3,000.00)	12,000
Police Department	A3120-0411-0418	Weed & Seed Travel	7,500	(3,500.00)	4,000
DPW - Streets	A5110-0102-0000	Temporary - Action team	100,000	4,500.00	104,500
DPW - Streets	A5110-0103-0000	Overtime	60,500	(10,000.00)	50,500
DPW - Streets	A5110-0103-0012	Snow Overtime	15,000	10,000.00	25,000
DPW - Streets	A5110-0303-0000	Materials and Supplies (Purchase Car Boots)	200,000	<u>50,995.00</u>	250,995
Total General Fund Budget Expenditure Increase				<u>\$0.00</u>	
Water Fund					
Transmission & Distribution	F8340-0423-0000	Uniforms	7,000	1,000	8,000
Transmission & Distribution	F8340-0303-0000	Other Materials & Supplies	256,154	(1,000)	255,154
Total Sewer Fund Budget Expenditure Increase				<u>\$0</u>	
Sewer Fund					
Sanitary Sewers	G8120-0202-0000	Vehicles	0	18,250	18,250
Sanitary Sewers	G8120-0203-0000	Other Equipment	18,250	(18,250)	0
Total Sewer Fund Budget Expenditure Increase				<u>\$0</u>	

Ordinance No. 9 **Date** May 7, 2009
Introduced by Council Member President Campana **Motion** Dunne
At the request of Administration **Seconded by** Zalewski

ORD. # 9

ORDINANCE AMENDING THE 2009 CITY BUDGET TO ACCEPT INSURANCE FUNDS FOR REIMBURSEMENT BY TRAVELERS FOR THE PURPOSE OF REPAIRING A CITY OF TROY POLICE VEHICLE INVOLVED IN AN ACCIDENT

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

Section 1. The City of Troy 2009 Budget is hereby amended to accept insurance funds paid to the City by Travelers Insurance Company for damages to a City of Troy Police Department vehicle and appropriating those funds to the Police vehicle repair line to cover repair costs as per the attached Schedule "A" entitled:

"Police Vehicle Insurance Recovery"

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, April 16, 2009

Charles Sarris, Acting Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X Date 5/13/09
Veto _____ Not Endorsed _____
Mayor _____

Memorandum in Support

Title: Ordinance amending the 2009 city budget to accept insurance funds paid to the City resulting from damages to a Police City Vehicle and appropriating those funds for the purpose of repairing the vehicle.

Summary of Provisions: This request for action by the City Council authorizes the City to receive insurance funds in the amount of \$1,179 for the Police Department and to appropriate said funds for repair of the damaged vehicle.

Present Law: The 2009 City Budget does not reflect the receipt and expenditure of the \$1,179 in insurance proceeds.

Fiscal Impact: None.

Council Committee: Finance.

Schedule A
Police Vehicle Insurance Recovery

Original *		Change	Revised
<u>Budget</u>			<u>Budget</u>

2009 Budget Amendment

General Fund

Revenue - A510

A1000-2680-0000

Insurance Recoveries	\$10,000	\$1,179	\$11,179
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Expenditures - A960

A3120-0304-0058

Vehicle Expense Repairs	\$ 40,000	\$ 1,179	\$ 41,179
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*Or as previously amended

3/20/2009 DW

Ordinance No. 10 Date May 7, 2009
Introduced by Council Member President Campana Motion Zalewski
At the request of Administration Seconded by Dunne

ORD. # 10

**ORDINANCE APPROPRIATING GRANT FUNDS FOR THE
HOMELESSNESS PREVENTION AND RAPID RE-HOUSING
PROGRAM AS DEFINED BY SECTION 103 OF THE MCKINNEY-
VENTO HOMELESS ASSISTANCE ACT (42 U.S.C.11302)**

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

Section 1. This Council action will finalize proposed projects that will be submitted to HUD under the Homelessness Prevention and Rapid Re-Housing Program as a substantial amendment to the 2009-2010 One-Year Action Plan. This legislation also empowers the Mayor to prepare, execute, and submit all documents that are required to obtain the Homelessness Prevention and Rapid Re-Housing Program funds, and to execute agreements with subrecipients to carry out the projects approved for funding.

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute all contracts, documents, and other instruments in furtherance of implementing all projects associated with and described in such application and to use such funds pursuant to such Application and described in the attached

Schedule "A" and undertake other such actions and provide such additional information as may be required in the furtherance thereof.

Section 3. This act will take effect immediately.

Approved as to form, May 7, 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 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action
Approved X **Date** 5/13/09
Veto _____ **Not Endorsed** _____
Mayor _____

City of Troy
City Council Action

Memorandum In Support

TITLE: Homelessness Prevention and Rapid Re-Housing Program

SUMMARY OF PROVISIONS: This Council action will finalize proposed projects that will be submitted to HUD under the Homelessness Prevention and Rapid Re-Housing Program as a substantial amendment to the 2008-2009 One-Year Action Plan. This legislation also empowers the Mayor to prepare, execute, and submit all documents that are required to obtain the Homelessness Prevention and Rapid Re-Housing Program funds, and to execute agreements with subrecipients to carry out the projects approved for funding.

PRESENT LAW: None.

PURPOSE: To distribute \$845,286.00 in Homelessness Prevention and Rapid Re-Housing Program funds allocated by the United States Department of Housing and Urban Development, for the program year.

Congress enacted the Recovery Act to help persons affected by the current economic crisis. The purpose of the Homelessness Prevention and Rapid Re-Housing Program (HPRP) is to provide homelessness prevention assistance to households who would otherwise become homeless—many due to the economic crisis—and to provide assistance to rapidly re-house persons who are homeless as defined by section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302). While HUD will allow grantees the discretion to develop

prevention and/or rapid re-housing programs that meet locally-defined needs, HUD also expects that these resources will be targeted and prioritized to serve households that are most in need of this temporary assistance and are most likely to achieve stable housing, whether subsidized or unsubsidized, outside of HPRP after the program concludes. Grantees should take this opportunity to develop strategies to identify eligible program participants, review existing models for prevention and rapid re-housing programs, and create a plan that utilizes all resources available through the Recovery Act in order to provide a comprehensive menu of services to assist eligible program participants.

HPRP is focused on housing for homeless and at-risk households. It will provide temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be homeless but for this assistance. The funds under this program are intended to target two populations of persons facing housing instability: 1) individuals and families who are currently in housing but are at risk of becoming homeless and need temporary rent or utility assistance to prevent them from becoming homeless or assistance to move to another unit (prevention), and 2) individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it (rapid re-housing). Although all eligible activities (described in section IV.A. below) can be used for both populations, considering two eligible populations is a framework for targeting funds that grantees might find useful in establishing local programs and considering the most effective use of funds. HUD is establishing eligibility requirements for program participants (described in section IV.D. below).

It is important to note that HPRP is not a mortgage assistance program. Congress has established other programs to assist with the current mortgage crisis. HPRP funds are only eligible to help program participants—whether they are renters or homeowners about to become homeless—pay for utilities, moving costs, security deposits and rent in a new unit, storage fees, and other financial costs or services as described in this Notice. HPRP funds are not eligible to pay for any mortgage costs or legal or other fees associated with retaining homeowners' housing.

2. Match. Grantees are not required to match HPRP funds with any other funding source.

3. New Program. Although the funding allocation is based on that of the ESG program, HPRP is a separate program, with a different program purpose and requirements. The table in Appendix B highlights the differences between ESG and HPRP.

FISCAL IMPACT:

No negative budget impact.

COUNCIL COMMITTEE: Planning/Finance

**City of Troy, New York
Proposed Executive Request for City Council Action**

ACTION REQUESTED: Ordinance appropriating Consolidated Planning grant funds for the 2002-2003 program year.

DATE OF THE MEETING: April 4, 2002

FORM OF THE ACTION: Ordinance

ARGUMENTS IN SUPPORT OF PROPOSAL: (identify supporters in and out of city government)
Consolidated Planning grant funds can be used to improve housing conditions, neighborhoods and employment conditions for low/mod income residents of the City. The Administration supports this legislation.

KNOWN OPPONENTS OF THE PROPOSAL: (identify known opponents in and out of city government). No known opponents of the proposal.

EFFECT ON CURRENT LAW: (if any): None.

ANTICIPATED FISCAL IMPACT ON CITY BUDGET: No negative impact on the City budget. Unknown, but significant positive budget impact that depend upon the approved project list.

DEPARTMENT HEAD APPROVAL: _____ DATE _____

COMMENTS AND RECOMMENDATIONS

CITY COMPTROLLER: _____ DATE _____

ASSISTANT TO MAYOR: _____ DATE _____

DEPARTMENT OF LAW: _____ DATE _____

ACTION BY MAYOR

Ordinance No. 11 Date May 7, 2009
Introduced by Council Member President Campana Motion McGrath
At the request of Administration Seconded by Brown

ORD. # 11

ORDINANCE AMENDING THE 2009 CITY BUDGET TO ACCEPT DONATED FUNDS FROM THE TROY DOWNTOWN COLLABORATIVE FOR ASSISTANCE WITH THE BID HEARING MAILING

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

Section 1. The City of Troy 2009 budget is herein amended as set forth in Schedule A entitled:

General Fund 2009 Budget Amendment – BID Donation

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, April 27, 2009

Charles Sarris, Acting Corporation Counsel

Ordinance ADOPTED by the following vote:

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

Troy City Clerk

Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X **Date** 5/13/09
Veto _____ **Not Endorsed** _____
Mayor _____

MEMO IN SUPPORT

Title: Ordinance amending the 2009 City of Troy General Fund Operating Budget to amend appropriations.

Summary of Provisions: This legislation will accept funds donated from the Troy Downtown Collaborative in the amount of \$333.06 to pay for postage related to the BID hearing mailing. As agreed, the Troy Downtown Collaborative will reimburse the City for postage needed for mailing the hearing notice to tenants of the district.

Present Law: N/A

Purpose: The City has accepted and deposited into the General Fund account for gifts and donations an amount equaling \$333.06 for postage costs related to the mailing.

Overall Budget Fiscal Impact: None. Revenues and Expenses are adjusted equally.

Ordinance No. 12 **Date** May 7, 2009
Introduced by Council Member President Campana **Motion** Zalewski
At the request of Administration **Seconded by** Galuski

ORD. # 12

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

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

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

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchasers for the sum below indicated which is

hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

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

TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance the purchaser shall close title, pay the purchase price, plus advertising cost, all closing costs & expenses and payment in lieu of City taxes through December 31, 2009, and the appropriate school taxes through December 31, 2009.
- B. Upon the 1st day of January 2010, all taxes and other assessments shall become due and payable by the purchaser except all water and sewer rents which shall be charged from the date of this conveyance.
- C. This conveyance is made subject to the conditions, promises and representations made by the purchasers in their respective proposal packets. The proposals shall be incorporated into the deed by reference and not merge into the deed. All promises and representation made by the respective purchasers shall survive closing of title and purchasers shall be accountable to fulfill and satisfy the representation and promises made in their proposals. Additionally, the deed transfer shall be conditioned upon the purchaser bringing the property into conformance with the building, housing and fire prevention codes within six (6) months after the date of purchase. If the purchaser, his successor, or assigns shall fail to comply with this condition the City of Troy has a right to re-enter the property without refunding the purchase price pursuant to the reverter which shall be in every deed transferred.
- D. Purchaser shall be liable for and pay all closing costs related to this sale including, but not limited to filing fees, deed stamps and attorneys fees.

Section 4. The said real properties authorized for sale pursuant to the proposal method shall be:

As identified in Schedule "A", attached hereto and made a part hereof.

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

Section 6. This Ordinance shall take effect immediately.

Approved as to form, April 22, 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 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X Date 5/13/09
Veto _____ Not Endorsed _____
Mayor _____

Ordinance No. 13 Date May 7, 2009
Introduced by Council Member President Campana Motion Zalewski
At the request of Administration Seconded by Ryan

ORD. # 13

**ORDINANCE APPROPRIATING GRANT FUNDS FOR THE 2009-2010
PROGRAM YEAR PURSUANT TO THE HOUSING AND COMMUNITY
DEVELOPMENT ACT OF 1974, THE MCKINNEY ACT EMERGENCY
SHELTER GRANT PROGRAM AND THE HOME INVESTMENT
PARTNERSHIP PROGRAM**

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

Section 1. The City of Troy's consolidate plan grant funding for 2009-2010 program year is set forth in the notice of proposed project funding, identified as Schedule "A", which is attached hereto and made a part hereof. The Mayor on behalf of the City of Troy be and hereby is designated as the authorized representative of the City of Troy to act in connection with the filing of an application for funds pursuant to the United States Housing and Community Development Act of 1974 (CDBG), the McKinney Act Emergency Shelter Grant Program(ESG), and the HOME Investment Partnership Program (HOME).

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute all contracts, documents, and other instruments in furtherance of implementing all projects associated with and described in such application and to use such funds pursuant to such Application and described in the attached Schedule "A" and undertake other such actions and provide such additional information as may be required in the furtherance thereof.

Section 3. This act will take effect immediately.

Approved as to form, May 7, 2009

Charles A. Sarris, Acting, Corporation Counsel

Motion to Amend adopted by the following vote: by McGrath 2nd by Brown

CDBG Plan added night of meeting from 6 pm Finance Meeting

Ayes: 9
Noes: 0
Abstain: 0

Ordinance ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk

Sent to the Mayor 5-8-09
Received from the Mayor 5/15/09
City Clerk _____

Executive Action

Approved X **Date** 5/15/09
Veto _____ **Not Endorsed** _____
Mayor _____

City of Troy
City Council Action
Memorandum In Support

TITLE: THE CITY OF TROY'S APPLICATION FOR FUNDING;
ORDINANCE APPROPRIATING GRANT FUNDS FOR THE 2009-2010 PROGRAM YEAR
PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, THE
MCKINNEY ACT EMERGENCY SHELTER GRANT PROGRAM AND THE HOME
INVESTMENT PARTNERSHIP PROGRAM
AND DESIGNATING THE MAYOR AS THE AUTHORIZED REPRESENTATIVE OF THE
CITY FOR SUCH PURPOSES

SUMMARY OF PROVISIONS: This Council action will finalize the list of Troy projects that will be submitted to HUD as the One-Year Action Plan (OYAP) of the 2009-10 Consolidated Planning program. This legislation also empowers the Mayor to prepare, execute, and submit all documents that are required to obtain the Consolidated Planning funding, and to execute agreements with subrecipients to carry out the projects approved for funding.

PRESENT LAW: None.

PURPOSE: To distribute the \$2,035,286 in CDBG (Community Development Block Grant) funds, \$91,023 in ESG (Emergency Shelter Grant) funds, \$689,925 in HOME (Home Investment Partnerships Program) funds, and \$4,406 in ADDI funds granted to the City by the United States Department of Housing and Urban Development, for the program year beginning July 1, 2009 and ending June 30, 2010.

HOME funds are granted to provide financial assistance to low and moderate income persons to help them purchase homes and to allow them to live in safe, code-compliant housing. ESG funds are provided to deal with homeless issues. CDBG funds can be used for a wide variety of purposes as long as CDBG-funded projects meet one of the following three National Objectives:

- a) primarily benefit low/mod income persons
- b) prevention or removal of slums and blight
- c) meet a particularly urgent need to protect life and health

Applications for CP funding were submitted to the City on February 18, 2009. Since then Administration staff have been reviewing the applications for compliance with the National Objectives identified above as well as for conformance with the strategies and priorities that are espoused in the

Strategic Plan of the Consolidated Plan. The attached list of Administration recommendations has resulted from this review. The City Council can approve the Administration's recommendations, or it can amend the list of projects or amounts to be appropriated for specific projects as long as the funding limits identified above are not exceeded, and as long as the funding decisions are consistent with the National Objectives and the strategies and priorities of the Strategic Plan of the Consolidated Plan.

FISCAL IMPACT:

No negative budget impact.

COUNCIL COMMITTEE: Planning/Finance

**City of Troy, New York
Proposed Executive Request for City Council Action**

ACTION REQUESTED: Ordinance appropriating Consolidated Planning grant funds for the 2009-2010 program year.

DATE OF THE MEETING: May 7, 2009

FORM OF THE ACTION: Ordinance

ARGUMENTS IN SUPPORT OF PROPOSAL: (identify supporters in and out of city government) Consolidated Planning grant funds can be used to improve housing conditions, neighborhoods and employment conditions for low/mod income residents of the City. The Administration supports this legislation.

KNOWN OPPONENTS OF THE PROPOSAL: (identify known opponents in and out of city government). No known opponents of the proposal.

EFFECT ON CURRENT LAW: (if any): None.

ANTICIPATED FISCAL IMPACT ON CITY BUDGET: No negative impact on the City budget. Unknown, but significant positive budget impact that depends upon the approved project list.

DEPARTMENT HEAD APPROVAL: _____ **DATE** _____

COMMENTS AND RECOMMENDATIONS

CITY COMPTROLLER: _____ **DATE** _____

ASSISTANT TO MAYOR: _____ **DATE** _____

DEPARTMENT OF LAW: _____ **DATE** _____

ACTION BY MAYOR

Resolution No. 1 **Date** May 7, 2009
Introduced by Council Member President Campana **Motion** Galuski
At the request of Administration **Seconded by** Zalewski

**RESOLUTION RECOMMENDING THAT NEW YORK STATE ROUTE 4
IN THE CITY OF TROY BE DESIGNATED A NEW YORK STATE
BYWAY**

WHEREAS, The City of Troy has been invited to participate in the New York State Lakes to Locks initiative, an initiative that recognizes the early nation-building activities of the United States and Canada; and

WHEREAS, the section of the Route 4 corridor that is located in the City of Troy embodies the Lakes to Locks theme of the inter-relationship between natural resources and historic human activities that shaped our nation’s history; and

WHEREAS, designating the adjacent roadway will highlight the transition from a water transportation dependent nation to the national and international roadway system that drives our economy today; and

WHEREAS, the Lakes to Locks Passage that currently extends through Waterford and Troy has an opportunity to be the beginning of a more than 200 mile “All American Road”; and

WHEREAS, Route 4 has much to offer byway travelers; including recreational opportunities on the Hudson River such as boat launches, the federal lock and dam, historic neighborhoods and architecture, heritage organizations like the Rensselaer County and Lansingburgh historical societies, the Burden Iron Works Museum, restaurants, a farmer’s market, and more; and

WHEREAS, a Lakes to Locks Passage designation coordinated with the Hudson-Fulton-Champlain Quadricentennial Celebration will improve tourism activity.

NOW, THEREFORE, BE IT RESOLVED, that Route 4 in the City of Troy, NY shall be recommended to Lakes and Locks Passage, Inc. to be designated as an integral part of the Lakes to Locks Passage from Ontario to New York State

Approved as to form, May 2, 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 5-8-09

Executive Action
Approved X **Date** 5/19/09

Received from the Mayor 5/19/09
City Clerk _____

Veto _____ Not Endorsed _____
Mayor _____

CITY OF TROY
City Council Action
Memorandum in Support

TITLE:

Resolution recommending that New York State Route 4 in the City of Troy be designated as part of the 'Lakes to Locks Passage', a designated New York State byway that recognizes the early nation-building activities of the United States and Canada.

PURPOSE:

The Lakes to Locks Passage, Inc is a statewide organization that is charged with developing and promoting "place-based" tourism along this scenic byway. The Lakes to Locks Passage is a series of roads from Sorel, Canada to Troy, New York connecting the Chambly Canal, Richelieu River, Lake Champlain, Lake George, Champlain Canal, and the Upper Hudson River. The Lakes to Locks organization is now reaching out to Troy to be designated as part of the Passage.

Including Route 4 in the Lakes to Locks Passage, encompassing Second Ave., River St., Third and Fourth Streets, Burden Ave., Mill St., and Vandenburg Ave., will make Troy the starting point for many travelers exploring the Byway. The corridor's sites and attractions will also be included in all of the Lakes to Locks publications. The designation will expand tourism promotion for our recreational opportunities like our boat launches, public places like our farmer's market, and historic interpretation like the Lansingburgh Historical Society, to name a few. Designation will also give Troy access to funding opportunities for heritage related improvements and it would share the title of 'All American Road'.

THE CITY OF

SONDRA A. LITTLE
COMMISSIONER



HARRY J. TUTUNJIAN
MAYOR

DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

To: Members of the Troy City Council

From: Sondra A. Little
Commissioner

Date: March 31, 2009

RE: Congress/ Ferry Street Corridor Environmental Review Process

This memorandum serves as a response to your request for additional information related to the environmental review of the above named process. All members should have a Master Plan, zoning proposal, and an Environmental Assessment Form (EAF) that describe the project.

After adoption of the resolution authorizing the Council to be the lead agency for the project, the Planning Department will issue a public hearing notice, on behalf of the Council (date to be determined) to hear comments on the initial assessment form.

Harris Beach, PLLC, a law firm that is certified to provide training to local boards and elected officials, will conduct a special *State Environmental Quality Review* (SEQR) training session for the Council in April. This training will be underwritten by the Troy Local Development Corporation. For the initial review, however, the Council should have the applicable State Environmental Quality Review statutes as follows:

If you have questions or would like additional information you should contact Jeff Buell at Ext. 4554

§617.2 Definitions

(m) Environmental assessment form (EAF) means a form used by an agency to assist it in determining the environmental significance or non-significance of actions. A properly completed EAF must contain enough information to describe the proposed action, its location, its purpose and its potential impacts on the environment. The model full and short EAFs contained in Appendices A and C of section 617.20 of this Part may be modified by an agency to better serve it in implementing SEQR, provided the scope of the modified form is as comprehensive as the model.

(u) Lead agency means an involved agency principally responsible for undertaking, funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required.

As lead agency, the Council must determine how the "action" , which is the adoption of the Master Plan which includes the zoning modifications, impacts the surrounding environment.

(y) Negative declaration means a written determination by a lead agency that the implementation of the action as proposed will not result in any significant adverse environmental impacts. A negative declaration may also be a conditioned negative declaration as defined in subdivision 617.2(h). Negative declarations must be prepared, filed and published in accordance with sections 617.7 and 617.12 of this Part.

(ac) Positive declaration means a written statement prepared by the lead agency indicating that implementation of the action as proposed may have a significant adverse impact on the environment and that an environmental impact statement will be required. Positive declarations must be prepared, filed and published in accordance with sections 617.7 and 617.12 of this Part.

(ak) Unlisted action means all actions not identified as a Type I or Type II action in this Part, or, in the case of a particular agency action, not identified as a Type I or Type II action in the agency's own SEQR procedures.

§617.6 Initial Review of actions and establishing lead agency

(a) Initial review of actions.

(1) As early as possible in an agency's formulation of an action it proposes to undertake, or as soon as an agency receives an application for funding or for approval of an action, it must do the following:

(i) Determine whether the action is subject to SEQR. If the action is a Type II action, the agency has no further responsibilities under this Part.

(ii) Determine whether the action involves a federal agency. If the action involves a federal agency, the provisions of section 617.15 of this Part apply.

(iii) Determine whether the action may involve one or more other agencies.

(iv) Make a preliminary classification of an action as Type I or Unlisted, using the information available and comparing it with the thresholds set forth in section 617.4 of this Part. Such preliminary classification will assist in determining whether a full EAF and coordinated review is necessary.

(2) For Type I actions, a full EAF (see section 617.20, Appendix A, of this Part) must be used to determine the significance of such actions. The project sponsor must complete Part 1 of the full EAF, including a list of all other involved agencies that the project sponsor has

been able to identify, exercising all due diligence. The lead agency is responsible for preparing Part 2 and, as needed, Part 3.

(3) For Unlisted actions, the short EAF (see section 617.20, Appendix C, of this Part) must be used to determine the significance of such actions. However, an agency may instead use the full EAF for Unlisted actions if the short EAF would not provide the lead agency with sufficient information on which to base its determination of significance. The lead agency may require other information necessary to determine significance.

(4) An agency may waive the requirement for an EAF if a draft EIS is prepared or submitted. The draft EIS may be treated as an EAF for the purpose of determining significance.

(5) For state agencies only, determine whether the action is located in the coastal area. If the action is either Type I or Unlisted and is in the coastal area, the provisions of 19 NYCRR 600 also apply. This provision applies to all state agencies, whether acting as a lead or involved agency.

(6) Determine whether the Type I or Unlisted action is located in an agricultural district and comply with the provisions of subdivision (4) of section 305 of article 25-AA of the Agriculture and Markets Law, if applicable.

(b) **Omitted**

§ 617.4 Type I actions

The adoption of the Master Plan and zoning modifications is a Type I action as,

(e) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:

(i) a project or action that involves the physical alteration of 10 acres;

(ii) a project or action that would use ground or surface water in excess of 2,000,000 gallons per day;

(iii) parking for 1,000 vehicles;

(iv) in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;

(v) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area

§617.7 Determining significance

(a) The lead agency must determine the significance of any Type I or Unlisted action in writing in accordance with this section.

(1) To require an EIS for a proposed action, the lead agency must determine that the action may include the potential for at least one significant adverse environmental impact.

(2) To determine that an EIS will not be required for an action, the lead agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant.

(b) For all Type I and Unlisted actions the lead agency making a determination of significance must:

(1) consider the action as defined in subdivisions 617.2(b) and 617.3(g) of this Part;

(2) review the EAF, the criteria contained in subdivision (c) of this section and any other supporting information to identify the relevant areas of environmental concern;

(3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and

(4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation.

(c) Criteria for determining significance.

(1) To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or

endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

(vi) a major change in the use of either the quantity or type of energy;

(vii) the creation of a hazard to human health;

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(x) the creation of a material demand for other actions that would result in one of the above consequences;

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

(2) For the purpose of determining whether an action may cause one of the consequences listed in paragraph (1) of this subdivision, the lead agency must consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:

(i) included in any long-range plan of which the action under consideration is a part;

(ii) likely to be undertaken as a result thereof; or

(iii) dependent thereon.

(3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) should be assessed in connection with:

(i) its setting (e.g., urban or rural);

(ii) its probability of occurrence;

(iii) its duration;

(iv) its irreversibility;

(v) its geographic scope;

(vi) its magnitude; and

(vii) the number of people affected.

City Hall – 1 Monument Square, Troy, New York 12180
Phone: (518) 270-4589 Email Sondra.little@troyny.gov

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

RES. # 2

**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, April 16, 2009

Charles A. Sarris, Acting Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Troy City Clerk

Executive Action

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 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X **Date** 5/19/09
Veto _____ **Not Endorsed** _____
Mayor _____

MEMORANDUM IN SUPPORT

Title: Resolution authorizing the Mayor to execute a water supply agreement with the Town of Halfmoon for the supply of water to the Town.

Summary of Provisions: This action by the City Council authorizes the Mayor to enter into and execute an agreement with the Town of Halfmoon setting the water rate and conditions for the supply of water to the Town. The water rate charged will be the at a rate of \$1.80918 for the period of May 1, 2009 until April 30, 2011 which will increase by the Northeast CPI each May 1 thereafter.

Present Law: None

Purpose: To supplement the annual revenue of the City of Troy Water Fund, the City wholesales surplus water to communities outside Troy at a negotiated rate. The revenue helps the City to control rates within the City and to offset some of the maintenance of the water supply system.

Fiscal Impact: The agreement specifies the water rate and conditions to be used to supply water to the Town of Halfmoonl. The income received will be revenue into the annual Water Fund budget.

COUNCIL COMMITTEE: PUBLIC UTILITIES, FINANCE

Resolution No. 4 **Date** May 7, 2009
Introduced by Council Member President Campana **Motion** Zalewski
At the request of Administration **Seconded by** Brown

RES. # 4

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ADIRONDACK CONSTRUCTION ENTERPRISES LLC. FOR THE MADISON STREET STREETScape IMPROVEMENT PROJECT

WHEREAS the City of Troy issued a Bid Document to solicit bids for the Madison Street Streetscape Improvement Project to solicit bids for streetscape improvements to Madison Street from the railroad tracks west to the Hudson River (approx 500' length and 40' width), including improving the storm water drainage and re-grading and repaving the street, and

WHEREAS responses to the Bid Document were received and reviewed and Adirondack Construction Enterprises LLC. was selected to furnish all labor, supervision, materials, supplies and equipment, architectural, professional engineering and construction services as needed for streetscape improvements to Madison Street at a cost of \$212,180.60, and

WHEREAS the project will be funded by a grant from the Environmental Protection Fund Act.

NOW, THEREFORE BE IT RESOLVED, That the Mayor, is authorized to execute a contract, a copy which is attached hereto as Exhibit "A", with Adirondack Construction Enterprises LLC for the Madison Street Streetscape Improvement Project.

Approved as to form, May 2, 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 5-8-09

Received from the Mayor 5/19/09

City Clerk _____

Executive Action

Approved X Date 5/13/09

Veto _____ Not Endorsed _____

Mayor _____

Resolution No. 5 Date May 7, 2009

Introduced by Council Member President Campana Motion Galuski

At the request of Administration Seconded by Dunne

RES. # 5

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION ON BEHALF OF THE CITY OF TROY WITH NORTHEAST TESTING UPSTATE INC. FOR AN ADDITIONAL THREE YEARS (2009 THROUGH 2011) FOR THE PURPOSE OF CONTINUING THE CURRENT AGREEMENT REGARDING DRUG AND ALCOHOL TESTING

Whereas, Northeast Testing Upstate Inc. has provided services to the City of Troy since January 1, 2006 for Employee Drug and Alcohol Screenings, Medical Review Officer Services, Record Keeping, Quarterly Reports, Testing Confirmations, and Substance Abuse Professional Referrals; and

Whereas, the City of Troy is satisfied with the level of services and reports provided by Northeast Testing Upstate Inc.; and

Whereas, the City of Troy would like to exercise its option to extend the contract with Northeast Testing Upstate Inc. for an additional three (3) years as per the terms and conditions of the 1/1/06 – 12/31/08 contract agreement; and now therefore,

BE IT RESOLVED, that the Mayor, on behalf of the City of Troy, is herein authorized to execute a contract extension agreement with Northeast Testing, Inc. for the 1/1/2009 through 12/31/2011 for the purpose of drug and alcohol testing.

Approved as to form, April 21, 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 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X **Date** 5/13/09
Veto _____ **Not Endorsed** _____
Mayor _____

Northeast Testing Upstate Inc.

Price List for Drug and Alcohol Testing

Valid through 12/31/11

Drug Testing -Random (on site) collection	\$59.00
Post accident- reasonable suspicion	\$75.00
Alcohol Random	\$29.00
Preemployment, return to duty, random	\$29.00
Post accident – reasonable suspicion	\$75.00

Record Keeping

Quarterly reports	N/C
Random draw of names	N/C
Record Keeping	N/C
MRO review of all results	N/C
Medical Review Officer Fee	N/C
Confirmation test fees	N/C
Substance Abuse Profession Referral	N/C
MIS report end of year	\$95.00

Additional Services

Company substance abuse policy	\$175.00
Supervisory training	\$ 65.00/per super.
19A-DOT Physicals	\$ 75.00
Employee physical	\$ 75.00
Preemployment drug-alcohol program background Check (per new DOT regulations)	\$ 25.00
Criminal Background/employment verification	\$ 35.00

Resolution No. 6 **Date** May 7, 2009
Introduced by Council Member President Campana **Motion** McGrath
At the request of Administration **Seconded by** Dunne

RES. # 6

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
FOR THE REMOVAL/STORAGE AND DISPOSAL OF MOTOR VEHICLES WITH
CITY OF TROY TOWING CONTRACTORS
FOR THE PURPOSE OF PERFORMING CITY DIRECTED AND POLICE
ASSISTED TOWS AS DEFINED IN THE FOLLOWING CONTRACT**

**AN AGREEMENT
FOR THE REMOVAL/STORAGE
AND DISPOSAL OF MOTOR VEHICLES**

AGREEMENT, made this _____ day of _____, by and between the **CITY OF TROY, NEW YORK**, a municipal corporation with principal offices located at City Hall, Troy, New York, hereinafter called the "**CITY**", and _____ with principal offices located at _____, hereinafter called the "**CONTRACTOR**".

DEFINITIONS:

City Directed Tow - a result of a proactive City action such as a violation of law, impoundment, abandonment, street cleaning, snow removal, seizure, arrest and emergency removal to ensure public safety.

Police Assisted Tow - the result of a reactive police action, the necessity of which is not initiated by the police. Examples of police assisted tows are accidents and disabled motor vehicles.

Police assisted tow requests are normally considered private and are at the request of the vehicle's owner or driver. Police assisted tow requests are not subject to regulation by this agreement however, contractors are expected to provide quality service at reasonable rates. Rates that are above the normal range, as determined by current tow industry standards, will be considered unreasonable. The city reserves the right to cancel this agreement with any contractor that violates this good faith clause.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

SECTION 1. TERM

1.1 This agreement shall commence upon CONTRACTOR'S receipt of a fully executed copy of this agreement and shall terminate on _____, unless sooner terminated as herein provided.

SECTION 2. ASSIGNMENT

2.1 CONTRACTOR shall be assigned to effect all tows summoned by the Police Department and/or Department of Public Works, (DPW) pursuant to Article 28 of the Troy Code of Ordinances, in accordance with the provisions of this agreement and in

accordance with any rules, procedures or policies now, or hereafter, promulgated by the Police Chief or his/her designee and/or the Deputy Mayor and/or his/her designee of the City of Troy.

2.2 This agreement shall not be exclusive. The CITY reserves the right to also enter into agreements with other tow companies, especially when the need for multiple tows is more than can be met by all the participating tow agencies, as determined by the City.

2.3 During their turn in rotation each tow agency shall be responsible for all tow needs in the City for one week, beginning Sunday at 12:00 AM and ending
Saturday at 11:59 PM.

2.4 When towing services are required, the CONTRACTOR responsible for the week shall receive the assignment. In instances where the appropriate CONTRACTOR is not able to respond to a call for service due to EXIGENT circumstances the next available CONTRACTOR in the rotation shall be called.

2.5 All CONTRACTORS will be available for special operations and will be assigned to work with specific CITY work crews by the Deputy Mayor, or his/her designee.

2.6 CONTRACTOR'S vehicles and equipment specified in Section 3 below, shall be available for assignment on a twenty-four (24) hour per day, seven (7) day per week basis.

SECTION 3. VEHICLES, EQUIPMENT, DRIVERS, FACILITY

3.1 The CONTRACTOR must have available for service for the duration of the contract, two (2) trucks in the 1 1/2 ton rated capacity range, such as, but not limited to, Chevrolet C-30; Ford series F-350, or other brands of similar capacity. Each truck shall be of a wheel lift or flatbed design that renders it capable of towing any passenger car or light truck vehicle. Each truck shall have a tool chest with assorted wrenches and screw drivers to handle steering and transmission locks, hazard warning lights, rear mounted work lights, wheel straps to securely attach the towed vehicle to the tow truck (where applicable), and a two-way radio and/or cellular phone capable of communicating with a base station at the vehicle storage facility. Additionally, each truck shall be in proper working order, free from major rust or body damage, and shall be permanently marked on each side with the name of the tow company. The Police Chief or the Deputy Mayor of the City of Troy, or a designee, in their sole discretion, shall determine the adequacy of the trucks and related equipment.

3.2 Each CONTRACTOR shall provide to the City proof of a valid registration and valid vehicle insurance for each of their designated tow vehicles. For purposes of this agreement only those tow vehicles to be utilized for contractual towing need to be registered with the City. All documentation shall be submitted to the Office of the Chief of Police prior to the approval of this agreement.

3.3 Tow vehicle drivers must be employees of the CONTRACTOR and must possess valid N.Y.S. Tow Truck Driver licenses. All documentation shall be submitted to the Office of the Chief of Police prior to the approval of this agreement.

3.4 Vehicles shall be towed to a secure vehicle storage area either owned or leased by the CONTRACTOR. If said CONTRACTOR leases storage area, CONTRACTOR shall furnish a copy of the lease agreement to the CITY prior to the execution of this agreement.

3.5 The storage area shall be completely enclosed by a fence of a height of at least six (6) feet and shall be kept secure at all times.

3.6 CONTRACTOR agrees that the storage area shall be located within the City limits and be lighted from sundown to sunrise. CONTRACTOR shall provide the Office of the Police Chief documentation relative to the location of their lot. Changes of location must be submitted to the Police Department prior to becoming operational.

3.7 CONTRACTOR agrees to provide an office and sufficient clerical personnel at the storage area during normal business hours of their week in rotation, and personnel on call twenty-four (24) hours, seven days per week at all other times to avoid any undue delay in the redemption of vehicles.

3.8 The adequacy of the CONTRACTORS storage areas shall be determined by the Police Chief and the Deputy Mayor, or their designee, in their sole discretion. In the event the CONTRACTOR obtains a new storage area during the term of this agreement, that storage area shall also meet all the requirements specified in this section.

3.9 Persons retrieving their vehicles from the storage location within one (1) hour of the vehicles arrival at said facility shall not be charged a gate fee. A gate fee, not to exceed \$35.00, may be charged by the CONTRACTOR for vehicles retrieved between the hours of 8:00 p.m. – 7:00 a.m.

SECTION 4. RESPONSE TIME

4.1 CONTRACTOR shall respond to the location of the vehicle(s) to be towed with the necessary vehicles and equipment specified in Section 3 above, within thirty (30) minutes of the assignment by the CITY.

SECTION 5. REASSIGNMENT

5.1 Upon contact by the CITY'S Public Safety or Public Works dispatcher for

an assignment, CONTRACTOR will acknowledge and indicate an estimated response time to the scene. If the estimated response time is in excess of thirty (30) minutes, or if the actual response time is in excess of thirty (30) minutes, the dispatcher may assign the tow to the next contractor in the rotation.

SECTION 6. IDENTIFIED VEHICLES

6.1 CONTRACTOR shall tow only such vehicles identified by the appropriate dispatcher or at the scene by a CITY Police Officer, Public Works Officer, or any city employee so empowered.

SECTION 7. DISABLED CITY VEHICLES

7.1 CONTRACTOR agrees to tow any disabled CITY passenger car vehicle or light truck as requested by the CITY at no cost to the CITY. In exceptional cases where a larger vehicle is involved (e.g. ambulance, garbage truck, fire engine etc.) or where exceptional circumstances may be present, the City has the option to call for an outside contractor.

SECTION 8. VEHICLE REMOVAL

8.1 For police assisted (private) tows: Nothing contained herein shall be construed to deprive a vehicle owner or his/her representative of the right to make his or her own towing arrangement within a reasonable time, when he or she is on the scene prior to a tow being ordered, or prior to the vehicle being removed from the scene by a CONTRACTOR. However if the vehicle is creating a public safety hazard the police officer on the scene will make the final determination of tow options.

SECTION 9. TOWING FEE

9.1 When the owner or other party entitled to possession of any vehicle removed by CONTRACTOR pursuant to this agreement, seeks to redeem said vehicle,

CONTRACTOR shall ensure any vehicle towed pursuant to a violation of law, has been released by the CITY Police Department prior to its release. The fee schedule shall be **one-hundred-twenty-five dollars (\$125.00)** for a City directed tow collected by the CONTRACTOR.

9.2 The CONTRACTOR will accept as a method of payment any of the following:

- a) Cash
- b) Money order
- c) Certified check
- d) Cashiers check
- e) Major credit cards, including at least Master Charge, Visa, and Discover.

Upon any payment to the CONTRACTOR, the towing contractor shall issue a receipt, in a format approved by the City Comptroller indicating the breakdown of charges including the tow charge, the daily storage charge, the first day that such storage charges began to accrue and the total number of days for which storage was charged.

9.3 During the contract term, CONTRACTOR shall submit to the CITY'S Police Department, within twenty-four (24) hours upon the conclusion of their tow rotation, a list of all vehicles towed pursuant to this agreement, indicating which vehicles have been redeemed, and the date thereof and whether said towed vehicles were accident vehicles, and also which towed vehicles were sold at auctions or junked, and a list of any vehicles towed pursuant to this agreement which still then remain unclaimed for more than thirty (30) days. The Police Department shall forward tow sheets on a weekly basis to the City Comptroller's Office.

9.4 Upon receipt of CONTRACTOR'S list, the CITY'S Comptroller's Office shall compute a bill. Said bill shall be computed at a cost of fifty dollars (\$50) per each City directed tow.

9.5 Within thirty (30) days of receipt of the CITY'S bill, CONTRACTOR shall make payment. If CONTRACTOR disputes the amount of the bill, CONTRACTOR shall immediately contact the City Comptroller's Office, in writing within five (5) days of the receipt of the City's bill. If the CONTRACTOR fails to so notify the City Comptroller or her designee, the City's bill is deemed to be accurate. If a CONTRACTOR bill is not paid within the specified period, the City Comptroller's Office will notify the Police Chief or his/her designee and the Police Department will take the necessary steps to remove the CONTRACTOR from the towing roster. The CONTRACTOR may apply for reinstatement only upon satisfactory payment of all outstanding monies due to the City of Troy.

9.6 During the contract term, CONTRACTOR shall submit to the City Comptroller's Office on a MONTHLY basis, a list of towed vehicles not redeemed and sold as junk. This list shall be accompanied by a DMV form 907 A (DMV Statement of Abandoned Vehicle) for each "junked" vehicle by which the CONTRACTOR is requesting credit for.

A towing credit in the amount of \$75.00 shall be granted to the CONTRACTOR for any vehicle released at no charge to the owner as authorized by the Police Chief or Deputy Mayor and/or their designee. Requests for credit will not be granted until the Deputy Mayor and/or the Police Chief have signed off on.

SECTION 10. STORAGE CHARGES

10.1 CONTRACTOR agrees to post conspicuously its schedule for the storage of motor vehicles at its storage areas and central office. This fee shall be twenty-five (\$25) dollars per twenty-four hour period. No fee for storage may accrue until after the first twenty-four (24) hours. For the purpose of this section the twenty-four hour period begins at the time of the tow and ends at the same time on the next day. All

twenty-four hour computations will be consistent with that time, not the start of business each day.

10.2 The CITY shall not be responsible for payment to CONTRACTOR for any storage fees for any vehicle towed at the direction of the CITY whether or not redeemed by the vehicles' owner, or unclaimed, or otherwise.

10.3 Whenever the Deputy Mayor or the Police Chief or their designee notifies the CONTRACTOR that a particular tow was assigned by the CITY illegally or improperly, the CONTRACTOR shall release the towed vehicle to the person entitled to possession thereof without charge to said person for towing, storage or otherwise. In such instances the Contractor may seek reimbursement from the City. Requests shall be forwarded to the Deputy Mayor or the Police Chief for approval. The City reserves the right to satisfy any approved settlement by issuance of credit towards any outstanding or future monthly tow billings, or regular monies, after presentation and approval of documentation required by the City Comptroller.

10.4 In certain instances the City may need to hold a vehicle as evidence of a criminal investigation. The contractor agrees to store said vehicle with no accrual of storage fees.

SECTION 11. UNREDEEMED VEHICLES

11.1 All vehicles not redeemed may be disposed of by the CONTRACTOR pursuant to Section 1224 of the Vehicle & Traffic Law of the State of New York and Sections 184 & 201 of the Lien Law. The CITY'S Police Department representative shall approve a list of all vehicles being disposed of. If the vehicle is improperly disposed of the contractor shall be liable for indemnification to the CITY and/or any other party harmed thereby.

SECTION 12. VEHICLE STORAGE UPON CONTRACT EXPIRATION

12.1 At the end of the contract term, CONTRACTOR agrees to store any unclaimed vehicles at its storage area at no cost to the CITY, for the period of six (6) months following contract expiration to enable the CITY to dispose of said vehicles pursuant to Section 1224 of the V&T Law.

SECTION 13. MAINTENANCE OF RECORDS

13.1 Upon commencement of this agreement, CONTRACTOR shall furnish the CITY, at no cost, one (1) gross of pre-approved blank tow reports (CONTRACTOR'S name shall not be indicated thereon). Thereafter, CONTRACTOR shall supply, at no cost, additional tow reports as requested by the CITY. Such request shall be made equally to all CONTRACTORS operating pursuant to Section 2.2 of this agreement.

13.2 Prior to a vehicle being towed, a CITY representative at the scene shall complete the authorized tow report, except those matters pertaining to storage and vehicle disposition. CONTRACTOR'S representative at the scene who shall be furnished with one (1) copy of the tow report shall sign the tow report.

13.3 Tow reports shall be three ply and contain the following information: vehicle identification number, make, model, description, plate number, condition, special equipment, apparent damages, an inventory of any visible personal property, date and time of receipt of notice to remove, date and time of removal, or if not removed, reason therefore, date and time stored, if any, and method and date of disposition (sample attached).

13.4 Contractor shall maintain in a form acceptable to the City Comptroller, separate, complete and accurate books and records sufficient to document the accuracy of any and all financial transactions made pursuant to this agreement.

SECTION 14. INSPECTION OF RECORDS, VEHICLES, AND FACILITY

14.1 CITY representatives shall have the right to inspect, at all reasonable times, CONTRACTOR'S books, papers and other records pertaining to CONTRACTOR'S performance under this agreement.

14.2 CITY representatives shall have the right to inspect CONTRACTOR'S storage area and vehicles removed pursuant to this agreement. The CITY shall have the right to maintain a representative at CONTRACTOR'S storage area for the purpose of inspection without prior notification.

SECTION 16. INDEMNIFICATION AND INSURANCE

16.1 The CONTRACTOR will indemnify and save harmless the CITY, the Department of Public Safety and the Department of Public Works and their officers, agents and employees, from all loss or damage arising from any act or omission of the CONTRACTOR, its agents, servants, employees and independent contractors in the performance of work described in this agreement. The CONTRACTOR shall, at his own cost and expense, procure insurance for the term of this agreement to protect CONTRACTOR from claims under the Worker's Compensation Law of the State of New York, and shall procure a comprehensive public liability insurance policy, on which the CITY OF TROY shall be named insured, to protect CONTRACTOR and City of Troy from claims of loss, theft or damage to property and for personal injury, including death, which may arise out of or in connection with the performance of this agreement. All liability policies shall provide limits of five hundred thousand dollars (\$500,000.00) personal injury and a minimum of two hundred and fifty thousand (\$250,000.00) property damage. Said policies, or certificates of said insurance, shall be delivered to the CITY prior to execution of this agreement, and shall be subject to the approval of the Comptroller.

SECTION 16. INTERVENTION IN LAWSUIT

16.1 In the event that legal action is commenced against the CONTRACTOR based upon a cause of action emanating from his performance under this contract, the CITY reserves the right to intervene in any such lawsuit at its option. However, neither the

CITY nor any of its departments shall be obligated to defend such action, nor shall they incur any liability by reason of such intervention or failure to intervene.

SECTION 17. INDEPENDENT CONTRACTOR

17.1 The performance of CONTRACTOR'S services hereunder shall be in his capacity as an independent CONTRACTOR and not as an officer, agent or employee of the CITY.

SECTION 18. COMPLIANCE WITH APPLICABLE LAWS

18.1 In carrying out the terms and conditions of this agreement, the CONTRACTOR shall comply with all federal, state and local laws or ordinances including applicable rules and regulations of the CITY.

SECTION 19. AMENDMENT

19.1 The terms of this agreement may be changed, amended, or waived, or additional terms entered into only upon mutual agreement in writing, between the parties.

SECTION 20. CANCELLATION

20.1 Either party may terminate this agreement without cause by sixty (60) days written notification either personally delivered or mailed to the other party's address set out above.

20.2 The City reserves the right to investigate any complaint lodged against a CONTRACTOR and, if just cause exists, restrict the CONTRACTOR from active participation in this agreement. The Deputy Mayor or Police Chief shall be responsible for the administration of due process and, if applicable, the determination of the restriction time length.

SECTION 21. ASSIGNMENT PROHIBITED

21.1 CONTRACTOR shall not assign, convey, transfer, sublet or otherwise dispose of this contract without prior written consent of the CITY.

SECTION 22. RULES AND REGULATIONS

22.1 The Police Chief and the Deputy Mayor may issue rules and regulations necessary to effectively carry out the purposes of this contract and consistent with proper enforcement of state and local laws pertaining to the operation of motor vehicles, and the CONTRACTOR agrees to comply therewith during the duration of this contract.

SECTION 23. REMOVAL OF PERSONAL PROPERTY

23.1 Upon authorization by the Police Chief or his/her designee, the Contractor agrees to allow the owner, or any person with legal access, to remove personal belongings from any vehicle obtained via a police directed CITY tow. Personal belongings shall be defined as any article contained within the vehicle that is not directly, or indirectly, part of the vehicle. Optional equipment attached to, or wired into the vehicles electrical system, is to be considered part of the vehicle and not subject to personal property release. License plates are the property of the Department of Motor Vehicles and shall be released upon demand.

APPROVED AS TO FORM

Charles Sarris, Acting Corporation Counsel

CITY OF TROY

Resolution ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Troy City Clerk
Sent to the Mayor 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action
Approved X **Date** 5/13/09
Veto _____ **Not Endorsed** _____
Mayor _____

WHEREAS; the City of Troy has implemented an in-house parking ticket collection module which supports parking ticket revenue collection; and

WHEREAS, the City of Troy enters parking ticket data including, but not limited to a vehicle license plate number and vehicle registration identification number; and

WHEREAS, the City of Troy system only interfaces with New York State Department of Motor Vehicles for additional owner information including the vehicle owner's name and address and DOES NOT interface with States outside of New York for additional owner information, and

WHEREAS, the City of Troy is currently unable to notify out of state vehicle owners of outstanding parking tickets; and

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

RESOLVE, that the City Council supports the City of Troy Comptroller's Office (Parking Bureau) request to the NYS Division of Criminal Justice Services to obtain an ORI number to be used strictly for civil purposes in obtaining and collecting name/address information on outstanding parking tickets, and it is further

RESOLVED, that a certified copy of this resolution be sent with a letter from the City of Troy to the NYS Division of Criminal Justice Services in connection with this request and it is further,

RESOLVED, this Resolution shall take effect immediately

Approved as to form, May 1, 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 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action

Approved X Date 5/13/09
Veto _____ Not Endorsed _____
Mayor _____

Resolution No. 8 **Date** May 7, 2009
Introduced by Council Member President Campana **Motion** Dunne
At the request of Administration **Seconded by** McGrath

RES. # 8

By Council or _____

April __, 2009

BOND RESOLUTION # OF 2009

BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$500,000 SERIAL BONDS TO FINANCE THE COST OF THE PURCHASE AND INSTALLATION OF PARKING METERS.

BE IT RESOLVED by the City Council of the City of Troy, New York as follows:

Section 1. The City of Troy, New York (the "City") is hereby authorized to undertake the purchase and installation of parking meters at an estimated maximum cost of \$500,000.

Section 2. The plan for financing such estimated maximum cost shall be by the issuance of \$500,000 in serial bonds (the "Bonds") of the City, which are hereby authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five (5) years pursuant to paragraph 50 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(5) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and

contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the City's General Fund. It is intended that the City shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no moneys are reasonably expected to be, received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the City's Comptroller, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the City Council for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

I FURTHER CERTIFY that (i) all members of the City Council had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this ____ day of April, 2009.

William McInerney, Clerk
City of Troy, Rensselaer County, New York

(SEAL)

ESTOPPEL NOTICE

The bond resolution, a summary of which is published herewith, has been adopted on the ____ day of April, 2009, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Troy, New York, is not authorized to expend money or the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Summary of Bond Resolution

1. Class of Objects or Purposes - the purchase and installation of parking meters.
2. Period of Probable Usefulness - five (5) years.
3. Maximum Amount of Obligations to be Issued - \$500,000.

The bond resolution herein summarized shall be available for public inspection during normal business hours for twenty (20) days following the date of publication of this notice at the office of the City Clerk at City Hall, One Monument Square, Troy, New York.

William McInerney, Clerk
City of Troy, Rensselaer County, New York

Resolution No. 9 Date May 7, 2009
Introduced by Council Member President Campana Motion Dunne
At the request of Administration Seconded by McGrath

TABLED

RES. # 9

**RESOLUTION CONFIRMING THE APPOINTMENT OF
CHARLES A. SARRIS AS CORPORATION COUNSEL**

WHEREAS, Section C-51 of the Troy City Charter states that all appointments by the mayor shall be made in writing and filed in the office of the City Clerk; and

WHEREAS, Section C-50 of the Troy City Charter states that the mayor's appointments of all department heads shall be subject to confirmation by the City Council; and

WHEREAS, the Troy City Charter states that there shall be a Corporation Counsel; and WHEREAS, the mayor has appointed Charles A. Sarris to the position of Corporation Counsel; and

WHEREAS, Mr. Sarris appears to the City Council to be well qualified for the position of Corporation Counsel.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby confirm the mayor's appointment of Charles A. Sarris to the position of Corporation Counsel.

Resolution No. 10 Date May 7, 2009
Introduced by Council Member President Campana Motion Dunne
At the request of Administration Seconded by Zalewski

RES. # 10

**RESOLUTION AUTHORIZING MAYOR TUTUNJIAN TO SUBMIT THE
GREEN INNOVATION GRANT APPLICATION TO FUND THE
SIEMENS BUILDING TECHNOLOGIES, INC. PROJECT AND THE PURCHASE AND
INSTALLATION OF RELATED EQUIPMENT INCLUDING RADIO READ WATER
METERS, RADIO READ LEAK DETECTION EQUIPMENT AND SOLAR POWERED
INTRUSION DETECTION SECURITY EQUIPMENT**

WHEREAS, As part of the New York State (NYS) economic recovery and stimulus efforts, the New York State Environmental Facilities Corporation established the Green Innovation Grant Program (GIGP) to help NYS communities preserve and create jobs, promote economic recovery

and invest in environmental protection and green innovations that will provide short and long-term economic benefits, and

WHEREAS, On December 4, 2008, the Troy City Council passed Resolution #4 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 preparation for the Gurley Ave. pump station and the Troy water treatment plant, and

WHEREAS, the City of Troy has approximately 13,500 metered water accounts and water meters and recently started a multi-year program of installing radio read water meters and is desirous of purchasing and installing additional radio read water meters under the water conservation of the GIGP, and

WHEREAS, the City of Troy has approximately 150 miles of water distribution mains in the City which vary in age up to over a 150 years old and the City is desirous of purchasing radio read leak detection equipment through the GIGP to enhance water conservation, and

WHEREAS, the City of Troy has various water tanks and pump stations within the City and is desirous of purchasing solar powered intrusion detection equipment through the GIGP and installing them at those sites, and

WHEREAS, Mayor Harry J. Tutunjian desires to make application, on behalf of the City of Troy, for the Green Innovation Grant Program to fund the Gurley Ave. pump station and Troy water treatment plant projects and the purchase of the above referenced equipment

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Troy hereby authorizes the Mayor to submit the grant application consistent with the Green Innovation Grant Program as attached hereto and made a part hereof.

Approved as to form, April 21, 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 5-8-09
Received from the Mayor 5/19/09
City Clerk _____

Executive Action
Approved X **Date** 5/13/09
Veto _____ **Not Endorsed** _____
Mayor _____