

**Minutes of the
REGULAR MEETING
CITY COUNCIL
July 9, 2009**

ROLL CALL:

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

ABSENT:

Call to Order: 8:05 p.m.

LOCAL LAW #3

**LOCAL LAW NO. 3 (INTRO #3 FOR 2009) APPROVING THE ESTABLISHMENT OF THE
BUSINESS IMPROVEMENT DISTRICT ("BID")**

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

SECTION 1: The City of Troy shall adopt the establishment of a Business Improvement District pursuant to the District Plan made available to the public pursuant to Resolution # 5 of November 6, 2008 and/or presented in a public hearing conducted on April 30, 2009; and

SECTION 2: Notwithstanding any provision in the District Plan, The BID assessment rate of 5% times City taxes shall be permanently capped and cannot be changed or modified.

SECTION 3: This act shall become effective only upon compliance with Section 980 (g) of the General Municipal Law.

Local Law ADOPTED by the following vote:

Ayes: 7

Noes: 2 Campana/ Galuski

Abstain:0

Troy City Clerk	Executive Action	Sent to
Mayor <u>7/10/09</u>	Approved <u>X</u> Date <u>7/13/09</u>	
Received from the Mayor <u>7/14/09</u>	Veto _____ Not Endorsed _____	
City Clerk _____	Mayor _____	

ORD # 1

**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 July Budget Amendment – Weed and Seed Donation

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor <u>7/10/2009</u>	Approved <u>X</u> Date <u>7/13/09</u>
Received from the Mayor <u>7/14/09</u>	Veto _____ Not Endorsed _____
City Clerk _____	Mayor _____

MEMO IN SUPPORT

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

Summary of Provisions: This legislation will accept additional funds donated from the United Way grant fund 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 \$1,053.00 for the purpose of augmenting and enhancing the Weed and Seed program.

A total check in the amount of \$2,000 was deposited into City of Troy coffers on June 8, 2009. \$947.00 of that check was already recognized as revenue and appropriated as part of the May City Council agenda. The balance \$1,053.00 is included herein.

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

SCHEDULE A
City of Troy July 2009 Budget Amendment

Public Safety - Police
Weed and Seed Donation

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

2009 Budget Amendment

General Fund

Revenue - A510

A1000-2705-0000

Weed and Seed Donations 1,042.00 1,053.00 2,095.00

Total Revenue Increase

1,053.00

Expenditures - A960

A3120-0302-0418-0000

Small tools and Equipment 9,085.00 1,053.00 10,138.00

Total Expenditure Increase

1,053.00

* or as previously amended
06/10/09 DW

ORD # 2

ORDINANCE TRANSFERRING THE UNUSED RESIDUAL BALANCE OF \$13,514.27 FROM CDBG ACCOUNT # CD2060-2971 INTO CDBG ACCOUNT #CD2080-2981 (\$12,336.81) AND CDBG ACCOUNT #CD2080-2978 (\$1,177.46) - AS SIMILAR AND CURRENT ACCOUNTS IN NEED OF ADDITIONAL FUNDING.

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

Section 1. Ordinance transferring the unused balance (\$13,514.27) from the CDBG Account # CD2060-2971 (Showcase Gateway to the Lansingburgh Industrial Area) into #CD2080-2981 (South Lansingburgh Sidewalk Replacement Project) in the amount of \$12,336.81 and CD2080-2978 (North Central Focus Block) in the amount of \$1,177.46 as similar and current accounts in need of additional funding as provided in Schedule "A" entitled:

"Administrative Transfer of Residual Funds"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9
 Noes: 0
 Abstain:

<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor <u>7/10/2009</u>	Approved <u>X</u> Date <u>7-13-09</u>
Received from the Mayor <u>7-14-09</u>	Veto _____ Not Endorsed _____
City Clerk _____	Mayor _____

**City of Troy
 City Council Action
 Memorandum In Support**

TITLE: Ordinance transferring the unused balance from the CDBG Account # CD2060-2971 (Showcase Gateway to the Lansingburgh Industrial Area) into #CD2080-2981 (South Lansingburgh Sidewalk Replacement Project) and CD2080-2978 (North Central Focus Block) as similar and current accounts in need of additional funding.

SUMMARY OF PROVISIONS:

The purpose of this amendment is to transfer residual funds from a completed sidewalk project into (2) active sidewalk project accounts. This transfer will be going from one “like account” into two of the current years “like” accounts, for the purpose of funding the replacement of additional sidewalks within the subject neighborhoods.

PRESENT LAW: HUD regulations require that transfers of this nature be authorized by the Finance Committee of the Troy City Council.

FISCAL IMPACT: No negative impact on the City general fund or on City programs/projects is expected.

COUNCIL COMMITTEE: Finance

Administrative Transfer of Residual Funds

Department	Account No.	Description	Original Budget**	Change (+ / -)	Revised Budget
Community Development					
Housing & Community Development	CD2060-2971	Showcase Gateway to the Lansingburgh Industrial Area	120,000.00	(13,514.27)	106,485.73
S. Lansingburgh Neighborhood Assoc.	CD2080-2981	S. Lansingburgh Sidewalk Replacement Project	15,296.12	12,336.81	27,632.93

\$0.00

ORD # 3

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:

July 2009 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

	<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor	<u>7/10/2009</u>	Approved <u>X</u> Date <u>7-13-09</u>
Received from the Mayor	<u>7-14-09</u>	Veto _____ Not Endorsed _____
City Clerk	_____	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 July Budget Amendment

Department	Account No.	Description	Original Budget*	Change (+ / -)	Revised Budget
General Fund					
Corporation Counsel	A1420-0809-0000	Worker's Compensation Expense	0	1,000	1,000
Corporation Counsel	A1420-0409-0000	Consultant Services	160,000	(10,000)	150,000
Corporation Counsel	A1420-0409-0026	Litigation Expense	15,000	10,000	25,000
Personnel - Civil Service	A1430-0403-0000	Printing & Advertising	3,500	(300)	3,200
Personnel - Civil Service	A1430-0409-0090	Civil Service Proctors	1,600	300	1,900
City Services Administration	A1490-0102-0000	Temporary Salaries	26,999	(1,000)	25,999
City Services Administration	A1490-0103-0000	Overtime Expense	0	1,000	1,000
DPW - Central Garage	A1640-0302-0000	Small Tools and Equipment	500	(500)	0
DPW - Central Garage	A1640-0303-0000	Other Materials & Supplies	1,500	(1,500)	0
DPW - Central Garage	A1640-0304-0056	Vehicle Expense - Gas & Oil	645,000	(45,000)	600,000
DPW - Central Garage	A1640-0304-0057	Vehicle Expense - Parts & Supplies	220,000	32,000	252,000
DPW - Central Garage	A1640-0304-0058	Vehicle Expense - Repairs	125,000	10,000	135,000
Police Department	A3120-0203-0000	Other Equipment	50,000	8,199	58,199
Police Department	A3120-0303-0000	Materials and Supplies	90,000	15,000	105,000
Police Department	A3120-0303-0017	Other Materials & Supplies (Record Manage)	55,000	(8,199)	46,801
Police Department	A3120-0304-0057	Vehicle Expense - Parts & Supplies	68,500	14,000	82,500
Police Department	A3120-0304-0058	Vehicle Expense - Repairs	40,000	(5,000)	35,000
Police Department	A3120-0404-0068	Repairs - Equipment	57,000	(8,000)	49,000
Police Department	A3120-0405-0068	Rentals of Equipment	65,500	(10,000)	55,500
Police Department	A3120-0424-0000	Medical Expenses	13,500	(6,000)	7,500
DPW - Streets	A5110-0405-0000	Rentals - Emulsifier for Pothole Equipment	20,000	5,000	25,000
DPW - Streets	A5110-0809-0000	Worker's Compensation Expense	15,000	(1,000)	14,000
Housing/CD	A8022-0101-0000	Permanent Salaries	401,780	(3,000)	398,780
Housing/CD	A8022-0102-0000	Temporary Salaries	6,000	3,000	9,000
Housing/CD	A8022-0301-0000	Office Supplies	1,800	900	2,700
Housing/CD	A8022-0403-0000	Printing & Advertising	6,000	2,000	8,000
Housing/CD	A8022-0410-0000	Training	1,000	(900)	100
Housing/CD	A8022-0411-0000	Travel	3,000	(2,000)	1,000
Total General Fund Budget Expenditure Increase			<u><u>\$0.00</u></u>		

Water Fund

DPU - Pumping Station	F8320-0401-0054	Utilities Power & Light	0	(70,000)	(70,000)
DPU - Repairs to Equipment	F8330-0404-0068	Repairs to Equipment	20,000	20,000	40,000

Total Water Fund Budget Expenditure Increase

\$0.00

ORD # 4

**ORDINANCE AMENDING THE 2009 GENERAL FUND
CITY BUDGET TO ACCEPT ADDITIONAL FUNDING FROM THE NYS OFFICE OF COURT
ADMINISTRATION FOR THE PURPOSE OF ADDITIONAL COURT MAINTENANCE WORK**

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

Section 1. The 2009 City General Fund Budget is hereby amended to accept additional funding from the Unified Court System and modify appropriations within the 2009 Facilities Operating Budget as provided in Schedule “A” entitled:

“Unified Court Administration – Aid to Court Facilities”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

	<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor	<u>7/10/2009</u>	Approved <u>X</u> Date <u>7-13-09</u>
Received from the Mayor	<u>7-14-09</u>	Veto _____ Not Endorsed _____
City Clerk	_____	Mayor _____

MEMO OF SUPPORT

Title: Ordinance amending the 2009 general fund city budget to accept additional monies from the unified court system for the purpose of additional court maintenance work (painting costs).

Effect on Present Law: None

Purpose: The Office of Unified Court Administration has requested and authorized additional maintenance work (painting costs) at the courthouse in fiscal year 2009. This work and corresponding expense was not budgeted for in the original 2009 budget. The expense is to be reimbursed in full per an e-mail sent to the City Comptroller from New York State Court Administration.

Fiscal Impact: None

Council Committee: Finance

SCHEDULE A
City of Troy 2009 Budget Amendment

Unified Court Administration
Aid to Court Facilities

	<u>Original *</u> <u>Budget</u>	<u>Change</u>	<u>Revised</u> <u>Budget</u>
2009 Budget Amendment			
<u>General Fund</u>			
Revenue - A510			
A1000-3021-0000	\$ -	\$ 11,900	\$ 11,900
Aid to Court Facilities			
Total Revenue Increase		<u><u>\$ 11,900</u></u>	
Expenditures - A960			
A1620-0404-0068			
Repairs to Equipment	\$ -	\$ 11,900	\$ 11,900
Total Expenditures Increase		<u><u>\$ 11,900</u></u>	

ORD # 5

**ORDINANCE AMENDING THE 2009 GENERAL FUND
CITY BUDGET TO ACCEPT FUNDS FROM THE US MARSHALS SERVICE
NEW YORK/NEW JERSEY REGIONAL FUGITIVE TASK FORCE FOR THE PURPOSE OF
REIMBURSEMENT OF EXPENSES
TO THE TROY POLICE DEPARTMENT**

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

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

**“Public Safety – Police
US Marshal Reimbursement Amendment”**

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

	<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor	<u>7/10/2009</u>	Approved <u>X</u> Date <u>7-13-09</u>
Received from the Mayor	<u>7-14-09</u>	Veto _____ Not Endorsed _____
City Clerk	_____	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 federal funds on behalf of the US Marshals Service New York/New Jersey regional Fugitive Task Force for reimbursement to the Troy Police Department.

Effect on Present Law: None

Purpose: The United States Marshal’s New York/New Jersey Regional Task Force intends to reimburse the Troy Police Department in the amount of \$4,589 for the purpose of uniform items (shirts, safety glasses) for task force operations.

Fiscal Impact: None - 100% Reimbursable.

Council Committee: Public Safety/Finance

**SCHEDULE A
City of Troy 2009 Budget Amendment**

**Public Safety - Police
US Marshal Reimbursement Amendment**

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

2009 Budget Amendment

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF RENSSELAER ON THE ALLOCATION OF SALES AND USE TAX REVENUE

WHEREAS, THERE NOW EXISTS A CONTRACT FOR THE ALLOCATION OF PAYMENTS MADE BY NEW YORK STATE TO THE COUNTY OF RENSSELAER FOR THE LOCAL SHARE OF THE COUNTY-WIDE SALES AND USE TAX; AND

WHEREAS, SAID CONTRACT WILL EXPIRE ON NOVEMBER 30, 2009; AND

WHEREAS, the City of Troy and the County of Rensselaer want to enter into a new agreement for a term beginning on December 1, 2009 and ending on February 28, 2015; and

WHEREAS, it is in the City's best interest to enter into said agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute an agreement with the County of Rensselaer for the allocation of payments made by New York State to the County of Rensselaer for the local share of the county-wide sales and use tax, the final content of said agreement to be substantially in the form of the agreement on file in the office of the Corporation Counsel and as attached hereto as schedule "A" and made a part hereof.

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

	<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor	<u>7/10/2009</u>	Approved <u>X</u> Date <u>7-13-09</u>
Received from the Mayor	<u>7-14-09</u>	Veto _____ Not Endorsed _____
City Clerk	_____	Mayor _____

MEMORANDUM IN SUPPORT

Title: Resolution authorizing the Mayor to execute an agreement with the County of Rensselaer on the allocation of sales and use tax revenue.

Summary of Provisions: This Agreement would provide for the distribution of county sales tax revenue to the City of Troy for the period December 1, 2009 through February 28, 2015.

Present Law: The current agreement with Rensselaer County expires on November 30, 2009.

Purpose: The City of Troy has previously waived its right of pre-emption with respect to the sales and use taxes as a source of revenue and the County of Rensselaer has previously distributed to the City, pursuant to Section 1262(© of the Tax Law of the State of new York, a certain share of the total non-State sales and use taxes collected within Rensselaer County and the parties wish to continue such arrangement.

Fiscal Impact: The City of troy will receive an amount equal to 24.37% of the sales tax distributions received by the County pursuant to the “Additional Tax” and 18.07% of the sales tax distributions received by the County pursuant to the “Original Tax” for the term of this Agreement.

COUNCIL COMMITTEE: FINANCE

RES # 2

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A STATE ASSISTANCE CONTRACT WITH NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR FUNDING PROVIDED FROM THE HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL PROGRAM

WHEREAS, the City of Troy desires to create a public park, at the site of a former junkyard, that will provide open space and increased access to the Hudson River for City residents, and serve as a public attraction for residents from surrounding communities; and

WHEREAS, the City of Troy’s Engineering Department has prepared a drawing and design package for the boat launch, park, and fishing pier, and the Department of Planning and Community Development has prepared a work plan that identifies a site preparation process; and

WHEREAS, as a result of such planning activities the City of Troy has received letters of funding commitments from the Hudson Fulton Champlain Quadricentennial Commission and Scenic Hudson Land Trust.

NOW THEREFORE

BE IT RESOLVED:

That the Mayor is hereby authorized to enter into and execute a state assistance contract with the New York State Department of Environmental Conservation (DEC) for funding provided from the Hudson-Fulton-Champlain Quadricentennial Program in accordance with the Hudson-Fulton-Champlain Quadricentennial Act, in an amount not to exceed \$45,000.00 for Quadricentennial Park, the final content of said contract to be substantially in the form of the contract on file in the office of the Corporation Counsel and as attached hereto as schedule “A” and made a part hereof.

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

	<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor	<u>7/10/2009</u>	Approved <u>X</u> Date <u>7-13-09</u>
Received from the Mayor	<u>7-14-09</u>	Veto _____ Not Endorsed _____
City Clerk	_____	Mayor _____

RES. # 3

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

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

	<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor	<u>7/10/2009</u>	Approved <u>X</u> Date <u>7-13-09</u>
Received from the Mayor	<u>7-14-09</u>	Veto _____ Not Endorsed _____
City Clerk	_____	Mayor _____

RES # 4

**RESOLUTION IN SUPPORT OF THE ALBANY AIRPORT HOLIDAY INN EXPRESS
ORGANIZING CAMPAIGN AND FAIR ELECTION STANDARDS**

WHEREAS, The National Labor Relations Act was passed in 1935 to guarantee workers in the United States the right to organize and collectively bargain for better wages, benefits and working conditions and mandates that workers and their employers bargain in good faith about wages, benefits and other working conditions once the workers have formed a union; and,

WHEREAS, the NLRA has been incredibly weakened over the years, and often manipulated by anti-union companies often forcing workers to wait years to hear the results of their union election, and even longer for an actual contract with their employer; and,

WHEREAS, public opinion polls indicate that a majority of non-union U.S. workers say they would join a union now if they had the opportunity; and,

WHEREAS, union membership provides workers better wages and benefits, and protection from discrimination and unsafe workplaces, while benefiting whole communities by strengthening tax bases, promoting equal treatment and enhancing civic participation; and,

WHEREAS, current federal labor laws are outdated and don't provide either legal protection or a level playing field for workers who attempt to organize;

WHEREAS, workers at the Holiday Inn Express in Latham want to improve their jobs and the working standards for all hotel employees in the Capital District;

WHEREAS, on April 23rd, they notified their employer, the Holiday Inn Express - Latham, of their desire to form a union with Workers United Local 471. Within the 24hour period before and after the notification, the Holiday Inn Express fired half of the organizing committee, and has subsequently terminated an additional employee;

WHEREAS, the Holiday Inn Express has been forcing employees into mandatory one on-one and groups meetings including a 4 hour meeting with company officials and an anti-union consultant from North Carolina;

WHEREAS, affected workers at the Holiday Inn Express made a unanimous decision to go on strike over the failure of the employer to pay back pay to unlawfully terminated employees, unlawful interrogations, unlawful solicitation of grievances, and spying on employee's union activity;

WHEREAS, the workers further demand that their employer reinstate all four fired workers with back pay, admit to wrongful firings and cease unlawful interrogation of employee
HEREFORE, LET IT BE RESOLVED that the City of Troy, New York joins countless of other elected officials and community leaders in the Capital Region in demanding that management of the Holiday Inn Express — Latham and other local business owners sign the Pledge in Support of Fair Campaign and Election Standards, stating:

THAT no employees should be forced to attend mandatory meetings on company time

THAT there should be equal time for management and the union in this election
THAT management and the union should have equal access to voters

THAT management and the union should agree to a series of debates

THAT the union should have equal posting rights and equal use of internal mail systems;

THAT coercion has no place in free elections and management must refrain from pressure tactics and allow employees to make their decision to join a union freely.

THEREFORE, LET IT ALSO BE RESOLVED that the City of Troy, New York expresses its support for Workers United's Fair Campaign and Election Standards, and the workers strike, and encourages all businesses and elected leaders to sign on in support; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Jim Morrell and Austin Snow at the Holiday Inn Express in Latham and that the City of Troy, New York urges the management to adopt Workers United's Fair Campaign and Election Standards and reinstate all four fired workers with back pay, -admit to wrongful firings and cease unlawful interrogations of employees.

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

	<u>Troy City Clerk</u>		<u>Executive Action</u>
Sent to the Mayor	<u>7/10/2009</u>	Approved	<u>X</u> Date <u>7-13-09</u>
Received from the Mayor	<u>7-14-09</u>	Veto	<u>Not Endorsed</u>
City Clerk	_____	Mayor	_____

WITHDRAWN

RES # 5

Resolution Requiring Robert Mirch to Seek Separate Legal Counsel

Whereas, a federal suit has been filed against the City of Troy and Robert Mirch, both as Commissioner of Public Works and personally, over the closing of the Sanctuary For Independent Media; and

Whereas, the interest of the City and Robert Mirch may differ as the allegations are that Robert Mirch acted outside the scope of his duties as Commissioner of Public Works with regard to the closing of the Sanctuary For Independent Media; now, therefore, be it

Resolved, Robert Mirch shall seek separate legal counsel; and be it further

Resolved, if the court shall find that Robert Mirch acted outside of and/or beyond his official duties, the City shall not indemnify his legal expenses or any damages.

Resolution ADOPTED by the following vote:

Ayes:

Noes:

Abstain:

RES #6

RESOLUTION OF THE TROY CITY COUNCIL IN SUPPORT OF THE NATIONAL HEALTH INSURANCE ACT AS PROPOSED BY H.R. 676

WHEREAS, every person in the City of Troy and the United States deserves access to affordable, quality healthcare; and

WHEREAS, over 45 million Americans live daily without healthcare coverage; and

WHEREAS, even those now insured often experience burdensome medical debt and sometimes life threatening delays in obtaining healthcare; and

WHEREAS, illnesses and medical debt annually cause five hundred thousand bankruptcies in the United States affecting two million people and an increasing number of home foreclosures are also associated with medical debt; and

WHEREAS, administrative costs and profits amount to 30 percent of healthcare spending in the United States, with rising costs contributing to decreased international competitiveness and massive layoffs; and

WHEREAS, Americans spend double what other industrialized countries spend per person while they are covering all their citizens; and

WHEREAS, as of December 31, 2008, the City of Troy recognized an unfunded net liability for future health benefits totaling \$163,626,595, as an other liability in the schedule of non-current governmental liabilities; and

WHEREAS, the City of Troy's 2009 salary expenditures are approximately \$31,535,503 for 741 employees, F.I.C.A. is \$2,412,466, and health insurance is \$11,444,955, including \$4,250,428 for retirees; and

WHEREAS, under the National Health Insurance Act, there would be a F.I.C.A. increase of 4.5% or \$1,419,098, resulting in a new F.I.C.A. expense of \$3,831,564 and elimination of the \$11,444,955 expense for health insurance for a net savings of \$10,025,857 to the City of Troy; and

WHEREAS, these savings could be applied to reducing the current heavy property tax burden which is forcing seniors and others with limited means out of their homes and undermining the City of Troy's financial viability; and

WHEREAS, U.S. Representative John Conyers has introduced the HR 676, the National Health Insurance Act; and

WHEREAS, the goal of HR 676 is to guarantee that all Americans have access to the highest quality and most cost-effective healthcare services, regardless of employment, income, or healthcare status; and

WHEREAS, HR 676 will cover all medically necessary services, including primary care, inpatient care, outpatient care, emergency care, prescription drugs, durable medical equipment, long term care, mental health services, dentistry, eye care, podiatry, chiropractic, and substance abuse treatment, and

WHEREAS, HR 676 will give patients their choice of physicians, hospitals, providers, and clinics with no co-pays or deductibles in a publicly financed, privately delivered system, and

WHEREAS, the United States Conference of Mayors at their 76th Annual Meeting in June 2008 adopted a resolution in support of HR 676.

NOW, THEREFORE, BE IT RESOLVED, that the Troy City Council expresses its support for the National Health Insurance Act (HR 676) and joins with the US Conference of Mayors in calling upon federal legislators to work toward its immediate enactment; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to United States Senators Charles Schumer and Kirsten Gillibrand and United State Representative Paul Tonko from the 21st Congressional District of New York.

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain:

	<u>Troy City Clerk</u>	<u>Executive Action</u>
Sent to the Mayor	<u>7/10/2009</u>	Approved _____ Date <u>7-13-09</u>
Received from the Mayor	<u>7-14-09</u>	Veto _____ Not Endorsed <u>X</u>
City Clerk	_____	Mayor _____

Meeting Adjourned 9:28 p.m.