

**Minutes of the
REGULAR MEETING
CITY COUNCIL
August 6, 2009**

ROLL CALL:

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

ABSENT:

Call to Order: 7:04 p.m.

ORD. # 1

**ORDINANCE AUTHORIZING SETTLEMENT OF TWO CLAIMS, TO WIT:
JOSEPH'S HOUSE AND SHELTER, INC. V. CITY OF TROY PLANNING BOARD FEDERAL
DOCKET NO. 05 CV 513 AND JOSEPH'S HOUSE AND SHELTER INC. V CITY OF TROY
FEDERAL DOCKET NO. 05 CV 757**

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

Section 1. On April 27, 2005, Joseph's House and Shelter, Inc. commenced a Federal Court action against the Troy Planning Board/City of Troy alleging that the Planning Board, by denying Joseph's House's application for a building permit for a proposed residential building to be located at 202 Fourth Street, Troy, New York, unlawfully discriminated against the proposed mentally ill residents of that project, in violation of the Federal Fair Housing Act and Title II of the Americans With Disabilities Act. The City of Troy Planning Board/City of Troy interposed a defense and vigorously opposed the action.

Section 2. Thereafter Joseph's House and Shelter, Inc. filed another action in Federal Court against the City of Troy under U.S.C. Section 1983, the First Amendment of the United States Constitution, the Federal Fair Housing Act, and the Americans with Disabilities Act asserting claims for retaliation against the City based upon its failure to grant Joseph's House federal Emergency Shelter Grant funds after Joseph's House filed the above referenced action. The City interposed a defense and vigorously opposed the action.

Section 3. The City of Troy Council authorizes the office of the Corporation Counsel to settle the above litigation pursuant to the terms and in the amount identified in the attached Consent Decree and Release attached hereto as Exhibit "A". The Corporation Counsel shall obtain a Stipulation of Discontinuance and General Release in full satisfaction of the claim prior to payment.

Section 4. The Comptroller be and hereby is authorized and directed to make, issue and countersign a draft as outlined above, said sum to be payable out of the Judgments and Claims Account.

Section 5. This Ordinance shall take effect immediately.

Ordinance ADOPTED by the following vote:

AYES: 8

NOES: 1 McGrath
ABSTAIN: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved X Date 8/21/09
Veto _____ Not Endorsed _____
Mayor _____

MEMORANDUM IN SUPPORT

On April 27, 2005, Joseph's House and Shelter, Inc. commenced a Federal Court action against the Troy Planning Board/City of Troy alleging that the Planning Board, by denying Joseph's House's application for a building permit for a proposed residential building to be located at 202 Fourth Street, Troy, New York, unlawfully discriminated against the proposed mentally ill residents of that project, in violation of the Federal Fair Housing Act and Title II of the Americans With Disabilities Act. The City of Troy planning Board/City of Troy interposed a defense and vigorously opposed the action.

Thereafter Joseph's House and Shelter, Inc. filed another action in Federal Court against the City of Troy under U.S.C. Section 1983, the First Amendment of the United States Constitution, the Federal Fair Housing Act, and the Americans with Disabilities Act asserting claims for retaliation against the City based upon its failure to grant Joseph's House federal Emergency Shelter Grant funds after Joseph's House filed the above referenced action. The City interposed a defense and vigorously opposed the action.

Both cases have concluded discovery and are ready for trial. Both parties have made motions for summary judgment which have been denied. At a recent court conference the Honorable Frederick J. Scullin, United States District Court Judge strongly urged the parties to settle both actions. As a result of the conference, and after lengthy discussions therein the Court and the parties have entered into a proposed Consent Decree and Release.

Under the terms of the proposed Consent Decree and Release, Joseph's House will discontinue both actions with prejudice. In return the City shall pay Joseph's House \$62,500 per year for four consecutive years in Emergency Shelter Grant funding or from an alternative source. Additionally, with regard to the initial construction and other related work to be performed by Joseph's House at 202 Fourth Street, Troy, New York, the City will waive building permit fees and other permit fees associated with such construction and other related work. The proposed Consent Decree and release is conditioned upon approval from the City Council and approval from the Mayor.

ORD# 2

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDING INSTITUTED BY
PROPERTY OWNERS LOCATED IN THE CITY OF TROY AND ON THE ASSESSMENT ROLL
OF THE CITY OF TROY**

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

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle a certiorari proceeding instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Counsel:

Robert Jubic and
Robert McAllister

SBL No. 111.68-3-20

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulation in a form consistent with Exhibit "A" attached hereto for the settlement of the proceeding and the Order based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for the years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly.

Section 4. This Ordinance shall take effect immediately.

Ordinance ADOPTED by the following vote:

AYES: 9
NOES: 0
ABSTAIN: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved Date 8/11/09
Veto _____ Not Endorsed _____
Mayor _____

MEMORANDUM IN SUPPORT

TAXPAYER: Robert Jubic and Robert McAllister
PROPERTY: 19 Cross Street, (SBL No.
ATTORNEY: Michael Mansion, Esq., of Albany

Robert Jubic and Robert McAllister have challenged the 2008 assessed value of a five-unit apartment building they own at 19 Cross Street. The property is assessed for \$35,000, which indicates a fair market value of \$259,259 utilizing the 2008 equalization rate of 13.5%. The building is a two-story, 4,385 square foot building that also includes a garage and work area for the owner.

A trial-ready appraisal report was prepared for Petitioner by Holden and Associates of Clifton Park. The appraisal indicated a fair market value of \$120,000. The City of Troy has a trial-ready appraisal report that was prepared by Empire State Appraisal Consultants of Kinderhook. The appraisal supports a fair market value of \$205,000. The appraisal reports were filed with the Court Clerk, and the parties are awaiting a trial date from Judge McGrath.

The Petitioner is willing to accept a settlement in which the 2008 proceeding would be discontinued without costs or refunds from the City, and the assessment for the years 2009, 2010 and 2011 will not exceed \$27,000 for the property. Based upon the 2008 equalization rate of 13.5%, the proposed settlement assessed value would reflect a fair market value of \$200,000.

**ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 216
"PARKS AND RECREATION", § 216-1 ENTITLED "DEFINITIONS", § 216-5 (Q)
ENTITLED "PROHIBITED USES AND ACTIVITIES (ANIMALS)"**

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

Section 1. Chapter 216, § 216-1 of the City of Troy Code is amended to add the following language (in bold)

§ 216-1. Definitions

DOG PARKS --- a dog park shall be deemed to mean a fenced-in area, within a City owned property designated and approved for dog exercise where dogs are allowed off leash while under the supervision of their owner(s). Owners are subject to ARTICLE 7 of the Agriculture & Markets Law (Chapters 220 & 221, Laws of 1978), and all City of Troy municipal rules and regulations that govern dogs. Enforcement shall be set by Chapter 124-23 of dog park rules. Fencing shall meet the standards of dog park fencing throughout New York State, under the guidelines of the American Kennel Club.

Section 2. Chapter 216, § 216-5 (Q) of the City of Troy City Code is amended to add the following language (in bold) and delete the language as indicated with strikeout (strikeout)

§ 216-5 Prohibited uses and activities.

The following uses and activities shall be and are hereby prohibited in a park or park area:

Q. Animals. No dogs or domesticated animals shall be allowed in the park except within or enroute to a designated dog park area by special permission _____ of the Commissioner of Parks and Recreation. designated by this legislation.

Section 3. This act shall take effect immediately.

MEMO IN SUPPORT

Title: Ordinance amending the Code of the City of Troy, Chapter 216 "Parks and Recreation", § 216-1 entitled "Definitions" § 216-5 (Q) entitled "Prohibited uses and activities (Animals)".

Summary of Provisions: This legislation is being initiated by the Troy City Council Majority and will provide for the establishment of Dog Parks within the City, particularly at Beman Park and Kinloch Park.

Present Law: N/A

Purpose: This legislation is in response to numerous requests from residents of the City of Troy for dog parks. The Beman Park and Eastside Neighborhoods have requested, been granted and

raised matching funds, for the establishment of a dog park in each neighborhood. In light of neighborhood enthusiasm, the improvements gained from dog parks, i.e., repaired park fences left in disrepair for years, and the overall benefits of promoting responsible dog ownership and the enforcement of dog control laws.

Benefits of a dog park to the community include:

- 1) Promoting responsible dog ownership,
- 2) Socialization and exercise for dogs (which leads to a healthier dog in both mind and body),
- 3) Bringing dogs and owners together in neutral territory, which can reduce fear and aggression in dogs,
- 4) Offering senior citizens a place to exercise their companions, and
- 5) Accommodating dogs and their owners in a public open space (this has been shown to lead dog owners to higher levels of compliance with relevant laws).

Overall Budget Fiscal Impact: Park maintenance will remain the same. Initial expenses will come from the Neighborhood Improvement monies granted by the Troy City Council and the funds raised by the requesting neighborhood group. Each group must pay for a sign as designated in Chapter § 124-23 "Enforcement of Dog Park Rules" and a dog pooper receptacle with a deposit barrel and bags.

Ordinance ADOPTED by the following vote:

AYES: 9
NOES: 0
ABSTAIN: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved Date 8/18/09
Veto _____ Not Endorsed _____
Mayor _____

ORD# 4

ORDINANCE AMENDING THE CODE OF THE CITY OF TROY,
 CHAPTER 124 "ANIMALS", § 124-4 ENTITLED "DEFINITIONS",
 § 124-5 ENTITLED "PURPOSE AND INTENT" AND § 124-6 ENTITLED "ALL DOGS TO BE
 LEASHED" AND ADDING § 124-22 ENTITLED "DESIGNATED DOG PARKS" AND § 124-23
 ENTITLED "ENFORCEMENT OF DOG PARK RULES"

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

Section 1. Chapter 124, § 124-4 of the City of Troy City Code is amended to add the following language (in bold)

§ 124-4. Definitions.

DOG PARKS --- A dog park shall be deemed to mean a fenced-in area, within a City owned property designated and approved for dog exercise where dogs are allowed off leash while under the supervision of their owner(s). Owners are subject to all NYS Agriculture and Markets Law and all municipal rules and regulations that govern the

ownership of such animal. Fencing is to be installed to meet the standards of dog park fencing throughout New York State, under the guidelines of the American Kennel Club.

Section 2. Chapter 124, § 124-5 of the City of Troy City Code is amended to add the following language (in bold)

§ 124-5. Purpose and intent.

Further, it is the purpose and intent of the Troy City Council to advance the promotion of dog parks within City Parks. Although code currently prohibits dogs in City parks, many residents allow their dogs to run, unleashed, in Troy city parks. This type of situation causes unsafe conditions for dogs and humans alike.

Section 3. Chapter 124, §124-6 is amended to add the following language (in bold)

§ 124-6. All dogs to be leashed.

All dogs in the City are hereby required to be restrained by a leash, while off the owner's premises, whether such dogs are or are not tagged or licensed; provided, however, that dogs are permitted to be unleashed while off the owner's premises when on the premises of another person with such other person's consent, and no person who owns, keeps, harbors or has the care, custody or control of any dog in the City shall permit such dog to be at large or unleashed in the City except as permitted by this article. **This section shall not apply to dogs that are within a "Dog Park" that has been designated a dog park area by § 124-22 entitled "Designated Dog Parks".**

Section 4. Chapter 124, § 124-22 is added as follows (in bold)

§ 124-22. Designated Dog Parks

**The following are hereby designated as Dog Park Areas: Beman
Park
Kinloch Park**

Section 5. Chapter 124, §124-23 is added as follows (in bold)

§ 124-23. Enforcement of Dog Park Rules

ARTICLE 7 of the Agriculture & Markets Law, all those provisions set forth in the Code of the City of Troy applicable to dogs and their owners and those rules and regulations for Dog Parks established by the Department of Parks and Recreation shall be enforced by the City of Troy's Animal Control Officer and the Troy City Police Department. A sign entitled "Dog Park Rules", which sets forth those rules and regulations established by the Department of Parks and Recreation, shall be placed in a

conspicuous place near the entrance of the dog park.

Ordinance ADOPTED by the following vote:

AYES: 9
NOES: 0
ABSTAIN: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved X Date 8/18/09
Veto _____ Not Endorsed _____
Mayor _____

MEMO IN SUPPORT

Title: Ordinance amending the Code of the City of Troy, Chapter § 124 "Animals", § 124-4 "Definitions", § 124-5 "Purpose and Intent" and § 124-6 "All dogs to be leashed" and adding Section § 124-22 "Designated Dog Parks" and Section § 124-23 "Enforcement of Dog Park Rules"

Summary of Provisions: This legislation is being initiated by the Troy City Council Majority and will provide for the establishment of Dog Parks within the City, particularly at Beman Park and Kinloch Park.

Present Law: N/A

Purpose: This legislation is in response to numerous requests from residents of the City of Troy for dog parks. The Beman Park and Eastside Neighborhoods have requested, been granted and raised matching funds for the establishment of a dog park in each neighborhood. In light of neighborhood enthusiasm, the improvements gained from dog parks, i.e., repaired park fences left in disrepair for years, and the overall benefits of promoting responsible dog ownership and the enforcement of dog-control laws, and the fact that nearly all surrounding communities have dog parks, the Council Majority feels the benefits outweigh any negatives.

Benefits of a dog park to the community include:

- 1) Promoting responsible dog ownership,
- 2) Socialization and exercise for dogs (which leads to a healthier dog in both mind and body),
- 3) Bringing dogs and owners together in neutral territory, which can reduce fear and aggression in dogs,
- 4) Offering senior citizens a place to exercise their companions, and
- 5) Accommodating dogs and their owners in a public open space (this has been shown to lead dog owners to higher levels of compliance with relevant laws).

Overall Budget Fiscal Impact: Park maintenance will remain the same. Initial expenses will come from the Neighborhood Improvement monies granted by the Troy City Council and the funds raised by the requesting neighborhood group. Each group must pay for a sign as designated in Chapter § 124-23 "Enforcement of Dog Park Rules" and a dog pooper receptacle with a deposit barrel and bags.

ORDINANCE AMENDING THE 2009 CITY BUDGET TO ACCEPT DONATED FUNDS FROM THE FRIENDS OF PROSPECT PARK FOR THE PURPOSE OF CONTRIBUTING TO COSTS TO SEAL THE PROSPECT PARK TENNIS COURTS

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:

**“GF 2009 August Budget Amendment
Friends of Prospect Park 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: 0

Troy City Clerk
 Sent to Mayor 8/7/09
 Rec'd from Mayor 8/21/09
 City Clerk _____

Executive Action
 Approved Date 8/11/09
 Veto _____ Not Endorsed _____
 Mayor _____

MEMO IN SUPPORT

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

Summary of Provisions: This legislation will accept additional funds donated from the Friend’s of Prospect Park for the purpose of contributing to costs to seal the Prospect Park Tennis Courts.

Present Law: N/A

Purpose: The City has accepted and deposited into the General Fund account for gifts and donations an amount equaling \$2,000.00 for the purpose of contributing to the cost of sealing the tennis courts at Prospect Park.

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

SCHEDULE A
City of Troy August 2009 Budget Amendment
Recreation

Friend's of Prospect Park 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			
Gifts and Donations	265,000.00	2,000.00	267,000.00
Total Revenue Increase		2,000.00	
Expenditures - A960			
A7150-0404-0068			
Repairs - Equipment	20,000.00	2,000.00	22,000.00
Total Expenditure Increase		2,000.00	

* or as previously amended
7/14/09 DW

ORD# 6

ORDINANCE AMENDING THE 2009 GENERAL FUND CITY BUDGET TO ACCEPT TRUANCY GRANT – PROJECT # JJ08-1108-E00 FROM 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:

“Truancy Grant – Project # JJ08-1108-E00”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Ordinance ADOPTED by the following vote:

AYES: 9
NOES: 0
ABSTAIN: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk_____

Executive Action
Approved X Date 8/11/09
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 “truancy“ grant from the NYS Division of Criminal Justice Services.

Summary of Provisions: Amends the 2009 general fund city budget to accept a Truancy Grant – Project # JJ08-1108-E00 on behalf of the NYS Division of Criminal Justice Services for the purpose of intervention and prevention of school truancy. The funds provided will cover expenses related to services provided by Conifer Park, statistical analysis by the John Finn Research Center, Travel and Supplies as needed for the program.

Effect on Present Law: None

Fiscal Impact: Increase City Budget Revenues and Appropriations by \$110,385.

Council Committee: Public Safety/Finance

SCHEDULE A
City of Troy 2009 Police Department Budget Amendment

Public Safety - Police
Truancy Grant - Project # JJ08-1108-E00

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

2009 Budget Amendment

General Fund

Revenue - A510
A3000-4389-0000

Public Safety State Other	\$ -	\$ 110,385	\$ 110,385
Total Revenue Increase		\$ 110,385	
Expenditures - A960			
A3120-0302-0000 Equipment	\$ 6,800	\$ 900	\$ 7,700
A3120-0409-0013 Juvenile Consultant (John Finn \$7870/Conifer Park \$101,115)	\$ -	\$ 108,985	\$ 108,985
A3120-0411-0000 Travel Expense	\$ 20,500	\$ 500	\$ 21,000
Total Expenditure Increase		\$ 110,385	

(Per DCJS funding is federal passthrough)

* or as previously revised
7/15/09 DW

ORD# 7

ORDINANCE AMENDING THE 2009 CITY BUDGET TO ACCEPT DONATED FUNDS IN THE AMOUNT OF \$6,300.00 FOR THE PURPOSE OF PURCHASES RELATING TO THE POWERS PARK CONCERT SERIES AND OTHER CITY CIVIC EVENTS

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

Section 1. The City of Troy 2009 Budget is hereby amended to accept donated funds in the amount of \$6,300.00 and appropriating those funds to the Civic Services budget lines in the City Council and Recreation operating budget lines to cover necessary purchases of as per the attached Schedule "A" entitled:

"Concert Series 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: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved X Date 8/11/09
Veto _____ Not Endorsed _____
Mayor _____

Memorandum in Support

Title: Ordinance amending the 2009 city budget to accept a \$6,300.00 in donations and appropriating those funds for the purpose of purchases relative to the Powers Park Concert Series.

Summary of Provisions: This request for action by the City Council authorizes the City to receive donated funds in the amount of \$6,300.00 and to appropriate said funds for purchases relative to the Powers Park Concert series, and other City events.

Present Law: The 2009 City Budget does not reflect the receipt and expenditure of the \$6,300.00 in special events donations.

Fiscal Impact: None.

Council Committee: Finance.

Schedule A 2008 Concert Series Donation

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

2009 Budget Amendment

General Fund

Revenue - A510

A2089-0503			
Special Events Donations***	\$25,000	\$6,300	\$31,300
		TOTAL	\$6,300

Expenditures - A960

A7150-0432-0035	\$ 5,000	\$ 6,300	\$ 11,300
Civic Services			
Concert Series - Powers Park			
		TOTAL	\$ 6,300

***** Special Events Donations Include:**

Whitney Young Health Center	\$1,500
Badass Burrito	\$500
Comprehensive Health Management	\$1,000
Troy UFA	\$500
Beverage Barn	\$500
Northeast Shuttle Service	\$500
Jimmy's Pizzeria	\$250
TSR Payables LLC	\$250
Courtney Kreeber	\$250
The Snowman	\$500
Frank's Hotdog Junction	\$550
TOTAL	\$6,300

PUBLIC HEARING 9-3-09 6:45PM

ORD# 8

ORDINANCE AMENDING THE 2008 CDBG ACTION PLAN BUDGET TO ALLOW FOR THE TRANSFER OF UNUSED CDBG FUNDS FROM PREVIOUS YEAR ACTION PLANS (2001 & 2002), INTO THE 2008-2009 CDBG BUDGET ACCOUNT CD2080-2913, TO AUGMENT THE TROY BOYS & GIRLS CLUB AFTER SCHOOL PROGRAM & TEEN PROGRAM, AND TO AMEND THE RESPECTIVE ONE YEAR ACTION PLANS AND AUTHORIZE THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSFERS AND THE HUD AMENDMENT PROCESS.

The City of Troy, convened in the City council, ordains as follows:

Section 1. The 2008 CDBG action plan budget is hereby amended to allow for the transfer of unused CDBG funds from previous year action plans (2001 & 2002), into the 2008-2009 CDBG budget account to augment the Troy Boys & Girls Club After School Program & Teen Program, CD2080-2913; to amend the respective One Year Action Plans accordingly, and to authorize the mayor to execute any and all documents necessary to complete the transfers and the HUD amendment process as provided in Schedule “A” entitled:

“CDBG Transfer Boys and Girls Club Ordinance 2009”

Which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

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

TITLE: Ordinance transferring \$19,468.66 of unused CDBG funds from old CDBG accounts (2001 & 2002) into the 2008-09 CDBG program year to augment the 2008 Troy Boys & Girls Club After School Program & Teen Program, to amend the respective One Year Action Plans accordingly, and authorize the Mayor to execute any and all documents necessary to effect the transfers.

SUMMARY OF PROVISIONS: See attached schedule A.

PRESENT LAW: The City has approved a 2008-09 One Year Action Plan of its Consolidated Plan. The City’s Citizen Participation Plan of the 5 year strategic plan requires that CDBG transfers of this nature be authorized by the City Council. A 30-day public comment period as well as a public hearing with in the 30-day comment is required prior to City Council approval.

PURPOSE: Transfer unused CDBG funds from old CDBG accounts to close out those old accounts and use the transferred funds to augment a current account that provide public service funds for the Troy Boys & Girls Club After School Program & Teen Program. These transfers require Council approval.

The Administration recommends that the Council transfer \$19,468.66 from old CDBG accounts as identified in the attached schedule A to close out those old accounts and use the transferred funds to augment a current public service program. Reallocation/transfer of the specified funds will require adoption of a resolution by the City Council.

FISCAL IMPACT: No negative impact on the City general fund or on City programs/projects is expected because the proposed transfers will provide additional federal funds in the place of City funds for public service programs in low/mod income areas.

COUNCIL COMMITTEE: Finance

PUBLIC HEARING 9-3-09 6:45PM

ORD# 9

ORDINANCE AMENDING THE 2008 CDBG ACTION PLAN BUDGET TO ALLOW FOR THE TRANSFER OF UNUSED CDBG FUNDS FROM THE 2008 ACTION PLAN AND PREVIOUS YEAR ACTION PLANS OF 2001, 2002, 2003, 2004, 2006, AND 2007, INTO THE VACANT BUILDING DEMOLITION PROGRAM ACCOUNT # CD2080-2941 AND THE HOMEOWNER HOUSING & ENERGY IMPROVEMENT PROGRAM ACCOUNT # CD2080-2988 AND, TO AMEND THE RESPECTIVE ONE YEAR ACTION PLANS AND AUTHORIZE THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSFERS AND THE HUD AMENDMENT PROCESS.

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

Section 1. The 2008 CDBG action plan budget is hereby amended to allow for the transfer of unused CDBG funds from the current 2008 Action Plan and previous year Action Plans (2001, 2002, 2003, 2004, 2006, 2007), into the 2008-2009 CDBG budget account to augment the Vacant Building Demolition Program, CD2080-2941; Homeowner Housing & Energy Improvement Program, CD2080-2988, to amend the respective One Year Action Plans accordingly, and to authorize the mayor to execute any and all documents necessary to complete the transfers and the HUD amendment process as provided in Schedule "A" entitled:

"CDBG Transfers Ordinance"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

City of Troy City Council Action Memorandum In Support

TITLE: Ordinance transferring unused CDBG funds from old CDBG accounts into the 2008-09 CDBG program year to augment the 2008 Vacant Building Demolition Program and the Homeowner Housing & Energy Improvement Program, to amend the respective One Year Action Plans accordingly and authorize the Mayor to execute any and all documents necessary to effect the transfers.

SUMMARY OF PROVISIONS: See attached Schedule A.

PRESENT LAW: The City has approved a 2008-09 One Year Action Plan of its Consolidated Plan. The City's Citizen Participation Plan of the 5 year strategic plan requires that CDBG transfers of this nature be authorized by the City Council. A 30-day public comment period as well as a public hearing with in the 30-day comment is required prior to City Council approval.

PURPOSE: Transfer unused CDBG funds from old CDBG accounts to close out those old accounts and use the transferred funds to augment current accounts that provide for physical improvements like Vacant Building Demolition and the Homeowner Housing & Energy Improvement Program. These transfers require Council approval.

The Administration recommends that the Council transfer from several old CDBG accounts as identified in the attached schedule A to close out those old accounts and use the transferred funds to augment current public improvement accounts. Reallocation/transfer of the specified funds will require adoption of a resolution by the City Council.

FISCAL IMPACT: No negative impact on the City general fund or on City programs/projects is expected because the proposed transfers will provide additional federal funds in the place of City funds for public neighborhood improvements in low/mod income areas.

COUNCIL COMMITTEE: Finance

ORD# 10

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:

August 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: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved Date 8/11/09
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.

WITHDRAWN

RES. # 1

RESOLUTION APPOINTING COMMISSIONERS OF DEEDS FOR THE CITY OF TROY

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

RES. # 2

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SASAKI ASSOCIATES, INC. IN ASSOCIATION WITH SASAKI ARCHITECTS, LANDSCAPE ARCHITECTS AND PE, PC FOR THE CITY HALL SITE REDEVELOPMENT PROJECT AND TO EXECUTE ALL DOCUMENTS ATTENDANT THERETO

WHEREAS the City of Troy issued a Request For Proposal to solicit bids for the redevelopment of the site of its existing City hall and City hall's adjoining parking structure, and

WHEREAS responses to the Request For Proposal were received and reviewed and Sasaki Associates, Inc. in association with Sasaki Architects, Landscape Architects and PE, PC was selected to furnish all labor, supervision, materials, supplies and equipment, architectural, professional engineering and oversight for the redevelopment of the City hall site at a cost of \$265,000.00, 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 with Sasaki Associates, Inc. in association with Sasaki Architects, Landscape Architects and PE, PC, together with all documents attendant thereto for the redevelopment of the City hall site as provided for in the Request For Proposals attached hereto as Exhibit "A" and the submitted Proposal attached hereto as Exhibit "B".

Ordinance ADOPTED by the following vote:

AYES: 9
NOES: 0
ABSTAIN: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved Date 8/11/09
Veto _____ Not Endorsed _____
Mayor _____

RES# 3

**RESOLUTION APPOINTING
CITY MARSHALS OF THE CITY OF TROY**

WHEREAS, pursuant to Chapter § 0-83 Section E. of the City Charter of Troy, the City Council is authorized to appoint as many persons as may be necessary, not exceeding five (5) unless a greater number be at any time prescribed by the City Council to act as Marshals of the City Court;

WHEREAS, the appointment of Keith McDermott as Troy City Marshal effective immediately; and

WHEREAS, the appointment of Anthony DeFiglio as Troy City Marshal effective immediately; and

WHEREAS, the appointment of _____ as Troy City Marshal effective immediately

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby appoints as City Marshals of City Court of the City of Troy for a two-year appointment beginning August 7, 2009.

Ordinance ADOPTED by the following vote:

AYES: 8
NOES: 1 Wojcik
ABSTAIN: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved Date 8/11/09
Veto _____ Not Endorsed _____
Mayor _____

RES. # 4

**RESOLUTION AUTHORIZING ISSUANCE OF A COMMERCIAL LESSOR'S BINGO LICENSE TO
BINGO GREEN, INC., D/B/A "TROY ATRIUM BINGO"**

WHEREAS, Bingo Green, Inc. has, pursuant to the General Municipal Law, filed an application asking that the City issue a commercial lessor's Bingo license; and

WHEREAS, the City Council of the City of Troy has previously held a public hearing to determine if there is a need and a public advantage to having a commercial lessor's license issued.

WHEREAS, it appears that Bingo Green, Inc., has satisfied all the requirements to have a commercial lessor's bingo license issued to it.

NOW THEREFORE, IT IS DETERMINED THAT, there exists a public need, and public advantage will be served by the issuance of a commercial lessor's bingo license to Bingo Green, Inc.; and

IT IS FURTHER RESOLVED, that the City Clerk of the City of Troy on behalf of the City Council of the City of Troy shall issue a commercial lessor's bingo license to Bingo Green, Inc., permitting it to lease space to qualified organizations to conduct bingo games within the City of Troy, as more particularly set forth in its application file requesting such a license issue, all in compliance with and under the restrictions contained in the General Municipal Law of the State of New York;

AND IT IS FURTHER RESOLVED, that said license shall be valid for a period of not more than one year from the date of its first issuance;

AND IT IS FURTHER RESOLVED, that if at the end of the licensed period Bingo Green, Inc. shall decide to apply for a renewal of its license, said renewal application shall come before the City Council for renewal and shall not be issued merely upon the approval of the City Bingo Inspector.

Ordinance ADOPTED by the following vote:

AYES: 9
NOES: 0
ABSTAIN: 0

Troy City Clerk
Sent to Mayor 8/7/09
Rec'd from Mayor 8/21/09
City Clerk _____

Executive Action
Approved X Date 8/11/09
Veto _____ Not Endorsed _____
Mayor _____

Meeting Adjourned 9:08 p.m.