



**MEMO IN SUPPORT**

**Title:** Ordinance amending the 2008 General Fund Budget 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 1<sup>st</sup> and the City Council passes the budget in December. The several hundred expense categories contained in the 2008 budget are estimates of those expenses made in 2007 for 2008.

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.

**SCHEDULE "A"**

**2008**  
**September Budget Amendment**

Department	Account No.	Description	Original Budget*	Surplus (Deficit)	Change (+ / -)	Revised Budget
<b>General Fund</b>						
City Services Administration	A1490-0101-0000	Permanent Salaries	369,364		(7,000)	362,364
City Services Administration	A1490-0102-0000	Temporary Salaries	0		6,500	6,500
City Services Administration	A1490-0103-0000	Overtime	0		500	500
Code Enforcement	A3620-0101-0000	Permanent Salaries	463,572		(8,000)	455,572
Code Enforcement	A3620-0102-0000	Temporary Salaries	16,000		8,000	24,000
DPW - Streets	A5110-0101-0000	Permanent Salaries	1,002,733		(20,000)	982,733
DPW - Streets	A5110-0102-0000	Temporary Salaries	100,000		20,000	120,000

**Total General Fund Budget Expenditure Increase**

#REF! \$0



amendment reflect those expenses anticipated in fiscal year 2008. The remaining funds and appropriations of the grant will be allocated in the proposed 2009 City budget.

**Present Law:** N/A

**Overall Budget Fiscal Impact:** Fully reimbursed.

SCHEDULE "A"

SCHEDULE A

IMPACT V - 2008 Expenses

Department	Account No.	Description	Current Budget	Surplus (Deficit)	Change (+ / -)	Revised Budget
<b>General Fund - Expenditures A960</b>						
Police Department	A3120-0405-0000	Rentals - Cars	\$4,000		\$2,000	\$6,000
Police Department	A3120-0409-0416	Consultant Services - Finn Institute	\$0		\$80,500	\$80,500
<b>Total Expenditure Increase</b>					<b>\$82,500</b>	
<b>General Fund - Revenue A510</b>						
State Aid	A3000-3389-0000	New York State Impact V Grant Division of Criminal Justice Services	\$0		\$82,500	\$82,500
<b>Total Revenue Increase</b>			<b>\$0</b>		<b>\$82,500</b>	<b>\$82,500</b>

8/12/2008 DW

**Ordinance No.** 3 **Date** September 4, 2008  
**Introduced by Council Member** Campana **Motion** Wojcik  
**At the request of** Administration **Seconded by** Dunne

**ORD. #3**

**ORDINANCE AMENDING THE 2008 CITY BUDGET TO ACCEPT DONATED FUNDS IN THE AMOUNT OF \$10,780.00 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 2008 Budget is hereby amended to accept donated funds in the amount of \$10,780.00 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**

**Executive Action**

**Sent to the Mayor** 09/05/2008

**Approved** X **Date** 9/15/08

**Received from the Mayor** 9/16/08

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

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

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

**Memorandum in Support**

**Title:** Ordinance amending the 2008 city budget to accept a \$10,780.00 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 \$10,780.00 and to appropriate said funds for purchases relative to the Powers Park Concert series, and other City events.

**Present Law:** The 2008 City Budget does not reflect the receipt and expenditure of the \$10,780.00 in special events donations.

**Fiscal Impact:** None.

**Council Committee:** Finance.

Schedule "A"

2008 Concert Series Donation

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

**2008 Budget Amendment**

**General Fund**

**Revenue - A510**

A2089-0503

Special Events Donations\*\*\*                      \$25,000                      \$7,280                      \$32,280

**Expenditures - A960**

A1010-432-0000                      \$ 5,000                      \$ 7,280                      \$ 12,280

Concert Series - Powers Park

\*Or as previously amended

<b>*** Special Events Donations Include:</b>	
Whitney Young Health Center	\$1,500
Poparazzi	\$50
Comprehensive Health Management	\$1,500
Troy UFA	\$500
Beverage Barn	\$500
Northeast Shuttle Service	\$500
Jimmy's Pizzeria	\$200
Nancy Salvaggio	\$30
Grafton Hills Coffee Roasters	\$200
Albert Charbonneau Jr.	\$200
Joann Marie Nye-Blowers	\$200
The Snowman	\$200
Frank's Hotdog Junction	\$200
Other	\$1,500
<b>TOTAL</b>	<b>\$7,280</b>

8/8/08 DW

**Ordinance No. 4 Date September 4, 2008**  
**Introduced by Council Member Campana Motion Galuski**  
**At the request of Administration Seconded by Zalewski**

**ORD. #4**





To:  
To: Expenditures A510

2008 General Fund

	Acct No.	Project Description			
DPW Streets	A5110-0809-0051	Worker's Compensation Loss Award	12,000.00	77,000.00	89,000.00
			Total	<u>\$77,000.00</u>	

\*Balance as Amended

## **MEMO IN SUPPORT**

### **Title:**

Ordinance authorizing the appropriation from the City of Troy 2008 Reserved Worker's Compensation fund balance and amending the 2008 General Fund for the purpose of settling a worker's compensation case potentially saving the City of Troy approximately \$530,000 over the life of the case.

### **Summary of Provisions:**

This legislation will authorize the appropriation from the reserved worker's compensation fund balance to settle a worker's compensation case against the City of Troy. The unnamed claimant became classified by the worker's compensation board at a rate of \$253.89 per week for the remainder of the claimant's life. The claimant is 29 years old and can no longer work. Given this situation, if the City were to pay the claimant until the "average" life expectancy of at least 75, this claim would cost the City \$607,304.88 in indemnity payments and additional amount in medical payments.

The claimant's attorney has demanded an initial settlement of \$132,022.80 in full satisfaction. The City has countered that proposal offer at one-half the demand. The claimants attorney has made a final demand counter offer of \$77,000.

The Comptroller of the City of Troy believes that it is in the best interest for the City to settle this case. If the Council authorizes this ordinance and the case is closed, the City will potentially save indemnity payments of approximately \$530,000 over the life of the claim. Additionally, the City would no longer be responsible for future medical costs incurred for this injury. The claimant has had prior surgeries and has a potential for future surgeries and other medical treatment that can add to the City's liability.

**Present Law:** N/A

### **Overall Budget Fiscal Impact:**

Appropriates funds from the reserved worker's compensation fund balance.

Ordinance No. 6 Date September 4, 2008  
Introduced by Council Member Campana Motion Ryan  
At the request of Administration Seconded by Galuski

Ord. # 6

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FULL RELEASE AND SATISFACTION OF ALL LIENS, ENCUMBRANCES, GUARANTEES AND ATTACHMENTS THE CITY OF TROY HAS – INCLUDING THE UDAG AND SECTION 108 LOAN – AS AGAINST THE RIVER TRIANGLE (264-276 RIVER STREET) AND DAUCHY (275-283 RIVER STREET) BUILDINGS AND RIVER TRIANGLE COMPANY (THE “OWNER”) AND ITS PARTNERS**

---

Section 1. The City of Troy – in 1988 – entered into an agreement with the River Triangle Company Partners for the purchase, sale, reconstruction, restoration and renovation of the Dauchy and River Triangle Buildings located at 264 – 276 River Street and 275 – 283 River Street, as defined in Schedule “A” attached hereto and made a part hereof.

Section 2. As part of that agreement, the City of Troy authorized and participated in a UDAG Grant, No. B-88-AA-36-0526 and a HUD Section 108 Loan, both attached hereto as Schedule “B” and made a part hereof.

Section 3. River Street Holding Company, an affiliate of Cornerstone Communications, has or is about to enter into a Purchase and Sale Contract with River Triangle Company for the purchase of both the River Triangle and Dauchy Buildings.

Section 4. The purchasers of the Dauchy and River Triangle Buildings would like to pay the City of Troy a cash payment of TWO MILLION DOLLARS (\$2,000,000) and make the balance of the payments due under the HUD Section 108 Loan on behalf of the City of Troy, marked as Schedule “C” attached hereto and made a part hereof.

Section 5. The summary of all outstanding amounts owed to the City of Troy under this 1988 transaction is provided in Schedule “D” attached hereto and made a part hereof.

Section 6. The purchasers, as defined herein above, propose to pay the City of Troy the TWO MILLION DOLLARS (\$2,000,000) cash payment and to make all final payments under the HUD Section 108 Loan in full satisfaction of all liens, notes, mortgages, guarantees, attachments and encumbrances the City may have as against both the River Triangle and Dauchy Buildings, River Triangle Company, its general and limited partners, and all affiliates of any of the foregoing.

Section 7. In consideration of the foregoing payment of TWO MILLION DOLLARS (\$2,000,000) to be made to the City of Troy, the City Council hereby authorizes and directs the Mayor to do the following:

- A. To execute a Real Estate Contract of Sale, substantially in the form annexed hereto, for the purpose of evidencing the City of Troy’s agreement to release any and all liens, attachments, notes, mortgages, guarantees and encumbrances which it has against the River Triangle and Dauchy Buildings, River Triangle Company, its general and limited partners, and affiliates as more particularly set forth therein; and

- B. To authorize and direct the Mayor to execute, acknowledge and deliver the Escrow Agreement attached to the aforesaid contract as Exhibit "G", and in connection therewith to execute, acknowledge and deliver in escrow to the Escrow Agent all of the releases and discharges of the liens, attachments, notes, mortgages, guarantees and encumbrances which the City of Troy has against the River Triangle and Dauchy Buildings, River Triangle Company, its general and limited partners, and affiliates to be held in escrow by the Escrow Agent until the closing and sale of the property and the receipt of the City of Troy of the TWO MILLION DOLLARS (\$2,000,000) cash payment hereinabove set forth; and
- C. The City of Troy hereby consents to River Triangle Company entering into a Management Agreement with Atrium Services, LLC, under the terms and provisions of which Atrium Services, LLC will manage the Buildings between the date of the contract and the closing under the terms and provisions of the Management Agreement annexed to the contract as Schedule "F".

Section 8. This act will take effect immediately.

Approved as to form, September 4, 2008

**Ordinance ADOPTED by the following vote:**

Ayes: 8  
 Noes: 1 Wojcik  
 Abstain: 0

<b>Troy City Clerk</b>	<b>Executive Action</b>
Sent to the Mayor <u>09/05/2008</u>	Approved _____ Date <u>9/15/08</u>
Received from the Mayor <u>9/16/08</u>	Veto _____ Not Endorsed <u>X</u>
City Clerk _____	Mayor _____

Resolution No. 1 Date September 4, 2008  
 Introduced by Council Member Campana Motion Dunne  
 At the request of Administration Seconded by Galuski

**RES. #1**

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHSELLI" PROGRAM-AID ELIGIBLE**

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

WHEREAS, a Project for the ITS Signal Improvements – Replace 22 Signals and add Pedestrian Control and Countdown, City of Troy: Federal Street, Congress Street, Ferry Street and 5th Street, P.I.N. 1756.70 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

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

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

RESOLVE, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$320,000.00 (Three hundred twenty thousand dollars and no cents) has already been appropriated from the General Fund and made available to cover the cost of participation in the Preliminary Engineering phase of the Project; and it is further

RESOLVED, that the additional sum of \$3,797,807.00 (Three million seven hundred ninety seven thousand eight hundred seven dollars and no cents) (\$40,000.00 additional for the Preliminary Engineering Phase and \$3,445,807.00 for. Construction and \$312,000.00 for the Construction Inspection Phase) is hereby appropriated from H26-3397-0203-6451 and made available to cover the cost of participation in the above phase of the Project; and it is further.

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

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

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

RESOLVED, this Resolution shall take effect immediately

**Resolution ADOPTED by the following vote:**

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

---

Troy City Clerk

Executive Action

Sent to the Mayor 09/05/2008

Approved X Date 9/15/08

Received from the Mayor 9/16/08

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

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

Mayor \_\_\_\_\_

Resolution No. 2 Date September 4, 2008

Introduced by Council Member Campana Motion Ryan

At the request of Administration Seconded by McGrath

RES. # 2

**RESOLUTION APPOINTING COMMISSIONERS OF DEEDS**

---

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

**Resolution ADOPTED by the following vote:**

Ayes: 9

Noes: 0

Abstain: 0

---

Troy City Clerk

Executive Action

Sent to the Mayor 09/05/2008

Approved X Date 9/15/08

Received from the Mayor 9/16/08

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

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

Mayor \_\_\_\_\_

Resolution No. 3 Date September 4, 2008  
Introduced by Council Member Campana Motion Dunne  
At the request of Administration Seconded by Zalewski

**RES. #3**

**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 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.

**Resolution ADOPTED by the following vote:**

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

**Abstain: 0**

---

**Troy City Clerk**

**Executive Action**

**Sent to the Mayor 9/5/08**

**Approved \_\_\_\_\_ Date 9/15/08**

**Received from the Mayor 9/16/08**

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

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

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