

**COMMON COUNCIL MEETING
CITY OF RENSSELAER
REGULAR MEETING
APRIL 21, 2010
8:00 P.M.**

**THE PRESIDENT ASKED THE PUBLIC IF THEY HAD ANY
OBJECTIONS IF THE MEETING STARTED AT 7:20 P.M. THERE
WERE NO OBJECTIONS.**

THE COUNCIL CONVENED AT 7:20 P.M. AND WAS CALLED TO
ORDER BY PRESIDENT ADALIAN.

THE ROLL BEING CALLED THE FOLLOWING ANSWERED TO
THEIR NAMES:

PRESIDENT ADALIAN

ALDERPERSON: WEBBER
VAN VORST
ELACQUA
POOLE
TAGLIENTO

ALDERPERSON: STALL
CASEY
MOONEY
VANDYKE

ABSENT: ALL PRESENT

BIDS: NONE

CLAIMS: NONE

A MOTION WAS MADE BY ALDERPERSON MOONEY TO ADJOURN
AT 7:40 P.M. SECONDED BY ALDERPERSON ELACQUA.

VOTE TO ADJOURN: WEBBER, VAN VORST, ELACQUA, POOLE,
TAGLIENTO, STALL, CASEY, MOONEY, VAN DYKE, AND
ADALIAN.

NOES: NONE.

THE PRESIDENT DECLARED THIS MOTION DULY ADOPTED.

NEXT MEETING: MAY 5, 2010

CITY OF RENSSELAER, COMMON COUNCIL MEETING		
April 21, 2010		
Aldersperson moved that all bills and payrolls be referred to the Auditing Committee. The City Clerk reports that the bills and payrolls amounted to:		
BILLS ENCUMBERED THROUGH:	4/7/2010	4/21/2010
General City Bills	78,237.37	48,931.10
Water Department Bills	8,361.57	4,289.80
Solid Waste Bills	-	15,494.44
Library	3,969.45	336.50
Community Development Block Grant-Home Program	-	-
Small Cities	17,516.95	8,930.00
Paid prior to board audit	4,650.00	-
H Fund	816,616.02	477,938.76
TOTAL	14,116.01	555,920.60
PAYROLL DATES	4/2/2010	4/16/2010
Library Payroll-	\$3,036.63	\$2,957.82
Common Council Payroll-	\$2,859.04	\$2,859.04
General City Payroll-	\$15,084.19	\$14,904.19
Planning & Development Payroll-	\$7,955.15	\$7,846.88
Fire Department Payroll	\$19,632.82	\$19,632.82
Fire Department Overtime	\$1,250.31	\$2,983.04
Fire Department Kelly Days	\$2,080.17	\$2,200.50
Fire Department Longevity	\$28.85	\$28.85
Fire Department EMT	\$999.96	\$999.96
Fire Retro	\$18,161.40	\$0.00
Police Department Payroll-	\$50,260.95	\$50,216.55
Police Department Overtime-	\$10,874.18	\$7,888.88
Police Dispatcher	\$5,080.26	\$4,888.53
Police Clerks	\$1,890.96	\$1,568.79
Animal Control Officer-	\$525.00	\$525.00
Police longevity	\$290.33	\$290.33
Police Port Traffic	\$2,378.03	\$1,929.00
Regular Traffic/Buckle Up	\$446.76	\$304.74
Police DWI	\$551.55	\$0.00
Commissioner Of Public Works	\$1,602.27	\$1,602.27
Public Works Senior Clerk	\$1,139.23	\$1,204.33
Public Works Maintenance Payroll-	\$27,314.64	\$27,666.43
Public Works Clothing	\$0.00	\$350.00
Public Works Overtime-	\$1,172.94	\$1,123.13
Commissioner Of Water	\$389.74	\$389.74
Water Department Clerk/Deputy	\$1,163.50	\$1,163.50
Water Department Maintenance Payroll-	\$6,337.93	\$6,337.93
Water Part time Clerk	\$280.00	\$64.00
Water Department Overtime-	\$1,124.07	\$742.47
Water Clothing	\$0.00	\$0.00
Commissioner Of Solid Waste	\$173.22	\$173.22
Solid Waste Maintenance Payroll-	\$9,483.54	\$9,483.54
Solid Waste Overtime-	\$766.97	\$327.35
Solid Waste Clothing	\$0.00	\$0.00
Health Ins. Opt. Out	\$750.00	\$0.00
Gen/Lib/SS/Med	\$13,000.21	\$11,750.20
Water/SS/Med	\$598.28	\$535.98
Solid Waste/SS/Med	\$774.46	\$751.02
TOTAL	\$209,457.54	\$185,690.03
I hereby certify that the above claims were duly audited and ordered paid at a meeting of the Common Council held on this date: April 21, 2010		
TO THE TREASURER OF THE CITY OF RENSSELAER, NY:		
Pay to the claimants named herein the amounts of the claims set opposite their respective names, and charge to the funds specified, and this shall be your warrant.		

CITY OF RENSSELAER, COMMON COUNCIL MEETING		
April 21, 2010		
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TO THE TREASURER OF THE CITY OF RENSSELAER, NY:		
Pay to the claimants named herein the amounts of the claims set opposite their respective names, and charge to the funds specified, and this shall be your warrant.		



MAUREEN G. NARDACCI
City Clerk

CITY OF RENSSELAER

OFFICE OF THE CITY CLERK

CITY HALL
62 WASHINGTON STREET
RENSSELAER, NEW YORK 12144

(518) 462-4266
Fax: (518) 462-0890

AGENDA FOR THE COMMON COUNCIL MEETING APRIL 21, 2010

- 1. A RESOLUTION APPOINTING COMMISSIONER OF DEEDS TO PAUL G. ROLLIER.**
- 2. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN SOLID WASTE.**
- 3. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN SOLID WASTE.**
- 4. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN THE D.P.W. DEPARTMENT.**
- 5. A RESOLUTION TO APPOINT COMMISSIONER OF DEEDS TO PERTER SHEEHAN.**
- 6. A RESOLUTION FOR A PUBLIC HEARING TO MAKE A ONE WAY STREET ON BELMORE PLACE FROM NELSON AVENUE TO RIVERSIDE AVENUE.**
- 7. A RESOLUTION SCHEDULING A PUBLIC HEARING FOR THE INSTALLATION OF TWO (2) "CHILDREN AT PLAY" SIGNS AT 5TH STREET AND CENTRAL AVENUE.**
- 8. A RESOLUTION ENGAGING THE SERVICES OF THE CHAZEN COMPANIES.**

- 9. A RESOLUTION SUPPORTING INTER-MUNICIPAL AGREEMENT REGARDING COOPERATION TO COMPLY WITH THE FEDERAL AND STATE PHASE II STORM WATER REGULATIONS AND SPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM MS4s (GP-0-08-002) IN RENSSELAER COUNTY.**
- 10.A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO ACCEPT AND RECEIVE A GRANT FOR COMMUNITY DEVELOPMENT PURPOSES.**
- 11.A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN THE FIRE DEPARTMENT.**
- 12. LOCAL LAW NO. 1 OF 2010: A RESOLUTION ADOPTING LAW #1 OF 2010 AMENDING CHARTER 175 TO INCLUDE SECTION 15 (175-15) ENTITLED “CROSS CONNECTIN AND BACKFLOW PROTECTION LAW.”**
- 13.A RESOLUTION SCHEDULING A PUBLIC HEARING FOR THE EXCHANGE OF LAND.**
- 14.A RESOLUTION AUTHORIZING THE DISPOSAL OF OLD FLOATS ON DOCKS ON TRACY STREET.**
- 15.A RESOLUTION ESTABLISHING A POLICY FOR ELECTRICAL WORK TO BE DONE ON CITY BUILDINGS.**
- 16.A RESOLUTION SCHEDULING A PUBLIC HEARING FOR THE INSTALLATION OF TWO (2) “STOP” SIGNS ON ELMHURST AVENUE AT THE CORNER OF PARK AVENUE.**
- 17.A RESOLUTION ENGAGING SERVICES OF EXECUTIVE SERVICES CORPS OF TRI-CITIES (“ESCOT”).**

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

#1

A RESOLUTION APPOINTING COMMISSIONER OF DEEDS TO PAUL G. ROULLIER

WHEREAS, the Rensselaer Common Council has the power to appoint Commissioner of Deeds for a term of two (2) years from the date of their appointment, and

WHEREAS, it is beneficial to the citizens of Rensselaer to have certain persons appointed Commissioner of Deeds.

NOW, THEREFORE, BE IT RESOLVED, that the following persons be and they are hereby appointed Commissioner of Deeds with a term commencing forthwith and ending April 30, 2012:

Paul G. Roullier, Sergeant
201 Broadway
Rensselaer, New York 12144

Approved as to form and sufficiency
this 21st day of April 2010

- MARION WEBBER
- JAMES VAN VORST
- PHIL ELACQUA
- GRETCHEN POOLE
- DOMINICK TAGLIENTO
- BRIAN STALL
- JAMES CASEY
- RICHARD MOONEY
- MARGARET VANDYKE
- HARRY ADALIAN

	AYES	NOES
MARION WEBBER	✓	
JAMES VAN VORST	✓	
PHIL ELACQUA	✓	
GRETCHEN POOLE	✓	
DOMINICK TAGLIENTO	✓	
BRIAN STALL	✓	
JAMES CASEY	✓	
RICHARD MOONEY	✓	
MARGARET VANDYKE	✓	
HARRY ADALIAN	✓	
Total	10	0

Corporation Counsel
Paul G. Roullier
Mayor

Resolutioncommdeed042110

By Alderperson : Elacqua

Seconded by Alderperson : Council

#2 **A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN SOLID WASTE**

The Council has deemed it necessary to do a transfer of funds in Solid Waste due to budget overruns.

The Council hereby authorizes the Treasurer to make the following transfer in the 2009-2010 budget:

FROM:
CL8160-04-02 Dumping Cost \$70,100.00
CL8160-01-05 Longevity 3,600.00
TOTAL \$73,700.00

TO:
CL8160-01-04 Payroll - Collections \$73,700.00
TOTAL \$73,700.00

Approved as to form and sufficiency
this 21st day of April 2010

- MARION WEBBER
- JAMES VAN VORST
- PHIL ELACQUA
- GRETCHEN POOLE
- DOMINICK TAGLIENTO
- BRIAN STALL
- JAMES CASEY
- RICHARD MOONEY
- MARGARET VANDYKE
- HARRY ADALIAN

	AYES	NOES
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
Total	10	0

Corporation Counsel
Daniel J. Dwyer

Mayor

By Alderperson : Elacqua

Seconded by Alderperson : Council

#3 **A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN SOLID WASTE**

The Council has deemed it necessary to do a transfer of funds in Solid Waste due to budget overruns.

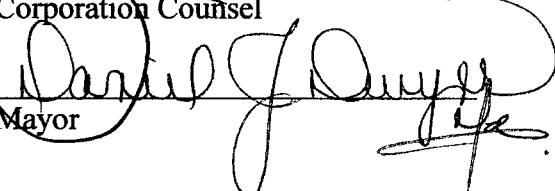
The Council hereby authorizes the Treasurer to make the following transfer in the 2009-2010 budget:

FROM:
CL8160-04-03 Diesel Fuel \$10,000.00
TOTAL \$10,000.00

TO:
CL8160-01-07 Overtime \$10,000.00
TOTAL \$10,000.00

Approved as to form and sufficiency
this 21st day of April 2010

	AYES	NOES
MARION WEBBER	✓	
JAMES VAN VORST	✓	
PHIL ELACQUA	✓	
GRETCHEN POOLE	✓	
DOMINICK TAGLIENTO	✓	
BRIAN STALL	✓	
JAMES CASEY	✓	
RICHARD MOONEY	✓	
MARGARET VANDYKE	✓	
HARRY ADALIAN	✓	
Total	10	0

Corporation Counsel

Mayor

By Alderperson : Webber

Seconded by Alderperson :
Council

#6

A RESOLUTION FOR A PUBLIC HEARING TO MAKE A ONE WAY STREET ON BELMORE PLACE FROM NELSON AVENUE TO RIVERSIDE AVENUE

WHEREAS, the Common Council is desirous of conducting a Public Hearing on May 5th, 2010, at 7:30 p.m. for discussion on making Belmore Place from ~~Nelson Avenue~~ ^{Keep one way} up to Riverside Avenue a one-way street, and Belmore Place

WHEREAS, upon Belmore Place ~~Nelson Avenue~~ being changed to a one-way street, the Department of Public Works will install "ONE WAY" signs as needed.

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing be held Wednesday, May 5th, 2010 at 7:30 p.m. in the Common Council Chambers to discuss making ~~Nelson Avenue~~ Belmore Place a one-way street to Riverside Avenue and the installation of "One Way" signs as needed.

Amend

Approved as to form and sufficiency
this 21st day of April 2010

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

AYES	NOES
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
Total	10 0

Corporation Counsel

Mayor

Resolutiononewayph042110

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

AYES	NOES
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
Total	10 0

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

#7

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR THE INSTALLATION OF TWO (2) "CHILDREN AT PLAY" SIGNS AT 5TH STREET AND CENTRAL AVENUE

WHEREAS, the City of Rensselaer is desirous of scheduling a Public Hearing to obtain input on the installation of two (2) "CHILDREN AT PLAY" signs to face north and south on Fifth Street and Central Avenue.

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing be scheduled on May 5th, 2010 at 7:45 p.m. in the Common Council Chambers to discuss the installation of said signs, and

BE IT FURTHER RESOLVED, that the City clerk be authorized to post notices of said hearing.

Approved as to form and sufficiency
this 21st day of April 2010

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

AYES	NOES
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
Total	10 0

Corporation Counsel

Mayor

Resolutionplaysignph042110

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

#8 **A RESOLUTION ENGAGING THE SERVICES OF THE
CHAZEN COMPANIES**

WHEREAS, the City of Rensselaer is desirous of engaging the Chazen Companies to perform all necessary work needed for the procurement of a Certificate of Occupancy for the new City of Rensselaer Police Station.

WHEREAS, the Chazen Companies proposal letter and engagement contract are annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, that the City of Rensselaer engage the services of the Chazen Companies for the purpose of procuring a Certificate of Occupancy for the new Police Station, and

BE IT FURTHER RESOLVED that the Mayor of the City of Rensselaer be authorized to execute the attached engagement contract.

Approved as to form and sufficiency
this 21st day of April 2010

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

	AYES	NOES
MARION WEBBER	✓	
JAMES VAN VORST	✓	
PHIL ELACQUA	✓	
GRETCHEN POOLE	✓	
DOMINICK TAGLIENTO	✓	
BRIAN STALL	✓	
JAMES CASEY	✓	
RICHARD MOONEY	✓	
MARGARET VANDYKE	✓	
HARRY ADALIAN	✓	
Total	10	0

Corporation Counsel

Mayor

ResolutionChazenRPDC0042110

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

#9

A RESOLUTION SUPPORTING AN INTER-MUNICIPAL AGREEMENT REGARDING COOPERATION TO COMPLY WITH THE FEDERAL AND STATE PHASE II STORM WATER REGULATIONS AND SPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM MS4s (GP-0-08-002) IN RENSSELAER COUNTY

An INTER-MUNICIPAL AGREEMENT among the Cities of Rensselaer and Troy, Village of Castleton-on-Hudson, Towns of Brunswick, East Greenbush, North Greenbush, Poestenkill, Sand Lake, Schaghticoke and Schodack , and the County of Rensselaer, hereinafter referred to as "Rensselaer County MS4 Communities", as authorized by Article 5-G of the General Municipal Law.

WHEREAS, the United States Environmental Protection Agency Phase II Federal Storm Water Regulations (40 CFR Sections 122 and 123) require regulated small municipal storm sewer system (MS4s) operators in urbanized areas to obtain a permit; and

WHEREAS, in New York State, MS4s are required to obtain and comply with the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from MS4s (GP-02-02), and any amendments thereto; and

WHEREAS, the New York State Department of Environmental Conservation SPDES General Permit for Storm Water Discharges from MS4s (GP-0-08-002) became effective on May 1, 2008 and will expire on April 30, 2010; and

WHEREAS, to maintain coverage under GP-02-02 and GP-0-08-002, regulated MS4s had to develop and provide adequate resources to fully implement a storm water management program, including six minimum control measures, within five (5) years of the permit effective date and comply with additional minimum control measures as required; and

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into agreements for the performance of their respective functions, powers and duties on a cooperative basis; and

WHEREAS, Rensselaer County MS4 Communities recognize that, because watersheds and separate storm sewer systems cross municipal boundaries and because there are opportunities to save money and resources by working collaboratively, the municipalities should work cooperatively to comply with the requirements of the Phase II Federal Storm Water

Regulations and GP-0-08-002, and any amendments thereto; and

WHEREAS, this Inter-municipal Agreement (Agreement) among the regulated MS4s in Rensselaer County will create the Rensselaer County MS4 Communities; and

WHEREAS, the Rensselaer County MS4 Communities recognize that by participating in this Agreement, the Rensselaer County MS4 Communities will be able to, through a cooperative and collaborative effort on storm water issues, advance opportunities for inter-municipal compliance benefits under GP-0-10-002; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. This Agreement shall become effective upon the Rensselaer County MS4 community's adoption of a resolution by the legislative body of the Rensselaer County MS4 Communities member indicating its intent to participate in this Agreement. The term of this agreement shall commence on the date the first resolution is passed by a Rensselaer County MS4 Communities member, but in no event before January 1, 2010.
2. The first term of this Agreement shall terminate on April 30, 2015, so as to coincide with the term of GP-0-10-002. This Agreement shall be deemed renewed, in five (5) year increments, unless terminated pursuant to the conditions herein. Nothing herein shall authorize more than a five (5) year term for any renewal term of this Agreement.
3. A Rensselaer County MS4 Communities member may terminate its membership in the MOI with adoption of a resolution by the legislative body of a Rensselaer County MS4 Communities member and must provide sixty (60) days written notice to the other Rensselaer County MS4 members. If any member withdraws from the Agreement, the Agreement remains binding for the remaining Rensselaer County MS4 Communities members.
4. This Agreement, in its entirety, may be terminated upon written consent of a majority of the Rensselaer County MS4 Communities members who are parties to this Agreement.
5. This Agreement authorizes the Rensselaer County MS4 Communities whose purpose it is to work cooperatively and collaboratively to:
 - a. comply with the Phase II Federal Storm Water Regulations and permit conditions placed on MS4 owners and operators by GP-0-08-002, and any amendments thereto;
 - b. exchange information among MS4s to facilitate compliance with the Phase II Federal Storm Water Regulations and GP-0-08-002, and any amendments thereto;
 - c. facilitate the use of existing or future resources, materials, supplies, funds, organization, and programs for the provision of services necessary to comply with

the Phase II Federal Storm Water Regulations and GP-0-08-002, and any amendments thereto;

- d. identify, research, and implement appropriate funding mechanisms to meet the financial needs resulting from compliance with the Phase II Federal Storm Water Regulations and GP-0-08-002, and any amendments thereto; and,
 - e. facilitate consistency of storm water management and regulations across municipal boundaries.
6. A. Each Rensselaer County MS4 Communities member will pay an annual membership fee for the Rensselaer County MS4 Communities to fund the implementation of compliance activities, which are part of each Rensselaer County MS4 Communities member's obligations for the six (6) minimum control measures under GP-0-08-002. The initial fee schedule is detailed in Exhibit A, which is attached. Future fee schedules shall be proposed annually by the Rensselaer County MS4 Communities members, pursuant to the by-laws, and approved by a majority vote of the Rensselaer County MS4 Communities members.
- B. Rensselaer County MS4 Communities shall submit an invoice for the fee to each Rensselaer County MS4 Communities member annually. If payment is not received within ninety (90) days of the invoice date, then membership will be suspended or revoked upon review of the non-payment and approved by a majority vote of the other Rensselaer County MS4 Communities members.
- C. By a majority vote, the Rensselaer County MS4 Communities members shall designate and authorize the fiscal office of one of its members to hold and manage separate accounts on behalf of the Rensselaer County MS4 Communities, where the annual fees and other funds shall be deposited. These accounts shall be created explicitly for the use of the Rensselaer County MS4 Communities. On an annual basis, such designation shall be reviewed and re-authorized, by a majority vote of the Rensselaer County MS4 Communities members. Compensation made to this designee, if any, shall be determined by the Rensselaer County MS4 Communities members, pursuant to the by-laws of the Rensselaer County MS4 Communities.
- D. The Rensselaer County MS4 Communities budget shall be approved by a majority of the Rensselaer County MS4 Communities members. The fiscal officer of the Rensselaer County MS4 Communities with custody of the Rensselaer County MS4 Communities' funds shall be authorized to make expenditures, pursuant to resolutions adopted by the Rensselaer County MS4 Communities members, on audit pursuant to the procedures of the Rensselaer County MS4 Communities members of which he or she is the fiscal officer.
- E. The Rensselaer County MS4 Communities shall not incur any financial obligations in excess of the funds available to the Rensselaer County MS4 Communities.

7. Each Rensselaer County MS4 Communities member will designate an official representative to serve on the Alliance/Federation/Co-op, and to vote on behalf of the Rensselaer County MS4 Communities member. The designee shall be responsible to attend and participate in all meetings of the Rensselaer County MS4 Communities members and any sub-committees created to advance the purposes of the Rensselaer County MS4 Communities members, facilitate compliance with different aspects of the Phase II Federal Storm Water Regulations and GP-0-08-002, and any amendments thereto, and to transmit storm water policy issues to his or her Rensselaer County MS4 Communities member. The Rensselaer County MS4 Communities members meetings shall be open to the public to attend. The designee shall also be responsible to obtain opinions on storm water policy issues from the Rensselaer County MS4 Communities member and to share such opinions with the Rensselaer County MS4 Communities members. Each Rensselaer County MS4 Communities member may also designate additional representatives to participate in the work of the Rensselaer County MS4 Communities in cooperation and coordination with the official representative. An officially designated alternate to the official representative may vote in the absence of the official representative.
8. The Rensselaer County MS4 Communities shall have the power to adopt, amend and repeal by-laws and procedures as deemed necessary to carry out its duties. The officers of the Rensselaer County MS4 Communities shall be the Chair and Vice-Chair. The officers shall be elected from among the Communities members, as set forth in the by-laws of the Rensselaer County MS4 Communities, by Rensselaer County MS4 Communities members present at a regularly scheduled meeting. The duties and responsibilities of the Chair shall be to preside at Members meetings of the Rensselaer County MS4 Communities, and to carry out any other duties as set forth in the by-laws of the Rensselaer County MS4 Communities. The Rensselaer County MS4 Communities Members shall meet at least annually.
9. A majority of the Rensselaer County MS4 Members shall constitute a quorum for the transaction of business at any meeting of the Rensselaer County MS4 Communities. Rensselaer County MS4 Members' decisions and recommendations will generally be made by consensus.

When the Rensselaer County MS4 Communities Members cannot reach consensus, voting will be used for decision-making. Each Rensselaer County MS4 Communities member shall have one vote. All decisions requiring voting shall be made by the majority of the members (or their officially designated alternates) present at a regularly scheduled meeting.

10. The Rensselaer County MS4 Communities Members may create such sub-committees as may be needed, whose members shall be appointed by the Rensselaer County MS4 Communities members. The sub-committees shall report directly to the Rensselaer County MS4 Communities Members.

11. The Rensselaer County MS4 Communities Members shall have the following powers to accomplish the goals of the Rensselaer County MS4 Communities:
 - a. Seek, receive, disburse and distribute funding, including grants, bequests and donations
 - b. Prepare reports, studies and recommendations;
 - c. Retain and employ consultants and staff within the limitations of any funding received by the Rensselaer County MS4 Communities;
 - d. Purchase;
 - e. Make contracts;
 - f. Acquire, own, obtain custody of, operate, maintain, lease or sell real or personal property;
 - g. Make claims for federal or state aid payable to the individual or several Rensselaer County MS4 Communities members on account of the joint service or project;
 - h. Periodically review the terms and conditions of this Agreement;
 - i. Procure insurance, as necessary and/or appropriate; and
 - j. Adjudicate disputes or disagreements among Rensselaer County MS4 Communities members.
12. The Rensselaer County MS4 Communities Members may also approve ex-officio non-voting members, pursuant to the by-laws.
13. The Rensselaer County MS4 Communities Members shall not have the power or authority to place any special duty or requirement or financial obligation on any one or more individual Rensselaer County MS4 Communities members.
14. This Agreement may be modified or amended only in writing duly executed by all Rensselaer County MS4 Communities members, which shall be attached to and become a part of this Agreement.
15. Each Rensselaer County MS4 Communities member shall be solely responsible and liable for its own activities under this Agreement, for obtaining and maintaining its permit coverage under GP-0-08-002 and future permits, and for the preparation, implementation, operation and maintenance of its own storm water management program.
16. Each Rensselaer County MS4 Communities member shall indemnify and hold harmless the other, its officers, agents and assigns for all liability arising out of its own acts or omissions regarding activities under this Agreement. It is agreed and understood that no Rensselaer County MS4 Communities member shall indemnify any or all of the other Rensselaer County MS4 Communities members for liability arising as a result of the acts or omissions of another Rensselaer County MS4 Communities member who is a party to this Agreement.
17. This Agreement constitutes the entire Agreement between the parties and supersedes any and all prior agreements between the parties hereto for the services herein to be provided.

18. The Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard or reference to its conflict of laws and principles.
19. If any provision, paragraph, sentence or clause of this Agreement shall be held invalid or unenforceable, for any reason, the invalidity or unenforceability of such provision, paragraph, sentence or clause shall not affect the remainder of this Agreement. This Agreement shall be construed and enforced, consistent with its expressed purposes, as if such invalid and unenforceable provision, paragraph, sentence, or clause had not been contained in the Agreement.

IN WITNESS WHEREOF, this Agreement is signed by the Chief Elected Official of the regulated MS4 on the date written below.

City of Rensselaer

Name:
Title:
Signature:
Date:

City of Troy

Name:
Title:
Signature:
Date:

Village of Castleton-on-Hudson

Name:
Title:
Signature:
Date:

Town of Brunswick

Name:
Title:
Signature:
Date:

Town of East Greenbush

Name:
Title:
Signature:
Date:

Town of North Greenbush

Name:
Title:
Signature:
Date:

Town of Poestenkill

Name:
Title:
Signature:
Date:

Town of Sand Lake

Name:
Title:
Signature:
Date:

Town of Schaghticoke

Name:
Title:
Signature:
Date:

Town of Schodack

Name:
Title:
Signature:
Date:

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

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Total	10	

Approved in form and sufficiency
this 21st day of April 2010

Corporation Counsel
Daniel J. [Signature]
Mayor

ResolutionBlockgrant042110

APPENDIX 'A'
Rensselaer County MS4 Communities
2008 Membership Fee Schedule for
Municipal Separate Storm Sewer Systems (MS4s)

Type of Alliance Member	Membership Fee
<ul style="list-style-type: none"><li data-bbox="240 506 711 541">• MS4 Cities, Towns and Villages<li data-bbox="240 541 532 577">• Rensselaer County	To be determined by the Communities

**APPENDIX B
WORK AGREED TO BE COVERED
UNDER THIS AGREEMENT**

Work agreed to be covered under this agreement are all DEC WQIP grant funding programs that are applied for by Rensselaer County, Rensselaer County Soil and Water Conservation District or the Rensselaer County MS4 Communities. This includes the 2009 Application by Rensselaer County for:

Ditch mapping – to be performed jointly between a Rensselaer County employee or intern and local highway or other personnel. Rensselaer County will provide GPS mapping instruments. Localities will provide vest and truck. Rensselaer County will also install software to allow web access to the outfall and ditch mapping by the localities.

Water testing – water testing will be paid for by the grant. Water sampling will be done by participating municipalities. Rensselaer County will purchase four testing kits with grant funding. Rensselaer County will provide training to use the kits. Restocking the kits will be the joint responsibility of all MS4s using the kits.

Street tree program – the grant will purchase tree boxes, etc. and trees. The City of Rensselaer will be responsible for the installation of hardware and trees (probably as part of road reconstruction.)

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

#10

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO ACCEPT AND RECEIVE A GRANT FOR COMMUNITY DEVELOPMENT PURPOSES

WHEREAS, the U.S. Housing and Community Development Act of 1974 (P.L. 93-383), as amended, provides for the development of viable urban communities by providing decent housing, and a suitable living environment and expanding economic development opportunities, principally for persons of low and moderate income; and

WHEREAS, said Act authorizes the Secretary of Housing and Urban Development (HUD), through the New York State Office of Community Renewal to make grants to units of general local government to help finance Community Development Programs under Section 103 (a) (1) of Title I; and

WHEREAS, under said legislation, eligible applicants in the case of municipalities, are required to authorize an official representative to file the application and to provide the Secretary with certain assurance of compliance with applicable laws and regulations under Title I of said Acts.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of Rensselaer be and hereby is authorized to execute a final application after review by the Corporation Counsel on behalf of the City of Rensselaer with the Governor's Office for Small Cities for a grant pursuant to Title I of the Housing and Community Development Act of 1974, as amended, and

BE IT FURTHER RESOLVED, that the Mayor of the City of Rensselaer is hereby authorized and designated as the representative and to act as such in connection with said application and to provide additional information as may be required including all understandings and assurances contained in the application; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Rensselaer hereby authorizes the filing of said application to the Office of Community Renewal for up to Six Hundred Thousand Dollars (\$600,000.00) for the construction sewer separation projects on Harrison Avenue, Partition Street and Wilson Street and modeling, engineering design and construction oversight, and hereby authorizes the Mayor to act in connection with the application and execute all necessary documents.

Approved as to form and sufficiency
this 21st day of April, 2010

Corporation Counsel

Daniel J. Dwyer
Daniel J. Dwyer, Mayor

Resolutiondevblock042110

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

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	✓	
Total	10	0

By Alderperson : Mooney

Seconded by Alderperson : Council

#11

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN THE FIRE DEPARTMENT

The Council has deemed it necessary to do a transfer of funds in the Fire Department to increase the Assistant Fire Chief's salary to cover the additional cost for his training officer services (see letter annexed hereto).

The Council hereby authorizes the Treasurer to make the following transfer in the 2009-2010 budget:

FROM:		
A3410-04-02	Training Instructors	\$2,441.00
A3410-04-01	Training New Fire Drivers	\$559.00
	TOTAL	\$3,000.00

TO:		
A3420-01-02	Asst. Fire Chiefs	\$2,441.00
A3420-01-02	Asst. Fire Chiefs	559.00
	TOTAL	\$3,000.00

sufficiency

Approved as to form and
this 21st day of April 2010

- MARION WEBBER
- JAMES VAN VORST
- PHIL ELACQUA
- GRETCHEN POOLE
- DOMINICK TAGLIENTO
- BRIAN STALL
- JAMES CASEY
- RICHARD MOONEY
- MARGARET VANDYKE
- HARRY ADALIAN

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Total	9	1

Corporation Counsel
Daniel J. Mooney
Mayor

By Alderperson : Van Vorst

Seconded by Alderperson : Council

LOCAL LAW NO. 1 OF 2010

#12 **A RESOLUTION ADOPTING LOCAL LAW #1 OF 2010
AND
AMENDING CHAPTER 175 TO INCLUDE SECTION 15
(175-15) ENTITLED "CROSS CONNECTION AND
BACKFLOW PROTECTION LAW"**

WHEREAS, New York State is requiring all local communities to adopt a Cross Connection and Backflow Protection Law that will help to protect the potable water supply from contamination, and

WHEREAS, the City of Rensselaer charter requires that a public hearing be held prior to the adoption of any local law and a public hearing considering the adoption of this Local Law was held on February 3rd, 2010.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Rensselaer hereby adopts of Local Law #1 for 2010, the Cross Connection and Backflow Prevention Law attached hereto.

Approved as to form and sufficiency
this 21st day of April 2010

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

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Total	10	0

Corporation Counsel

Mayor

ResolutionLocalLaw1_042110

CROSS CONNECTION AND BACKFLOW PREVENTION
RULES AND REGULATIONS

SECTION I – PURPOSE

The purpose of the Local Law is:

A. To protect the public potable water supply of the City of Rensselaer from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system: and

B. To comply with the requirements of the NEW York State Sanitary code 5-1.31.

SECTION II - DEFINITIONS

For the purpose of this Chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

- A. Air Gap Separation means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the tip rim of the vessel, and in no case less than one inch.
- B. Approved Single Check Valve means a check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured water tightness. The face of the closure element and valve seat must be bronze, composition, or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure element (e.g. clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.
- C. Approved Double Check Valve Assembly means an assembly of at least two independently acting approved single check valves including tightly closing shutoff valves on each side of the check valve assembly and suitable test cocks plus connections available for testing and water tightness of each valve.
- D. Approved Reduced Pressure Principle Backflow Prevention Device (RPZ) means a device incorporating two or more single check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply

pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere thereby providing an air gap in the device. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged.

- E. Approved Water Supply means any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, County of Rensselaer, or the City of Rensselaer. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called State Health Department) shall have the final judgment as to its safety and potability.
- F. Auxiliary Water Supply means any water supply on or available to the premises other than the City water supply.
- G. Backflow means a flow condition, induced by a differential in pressure, that causes the flow of water or other liquids and/or gases into the distribution pipes of a public water supply from any source other than its intended source.
- H. City means City of Rensselaer
- I. City Water Supply means an approved water supply sold and delivered to consumers' premises through the Water Distribution System of the City of Rensselaer.
- J. Consumer means any person to whom water is sold and/or furnished from the City of Rensselaer.
- K. Contamination means an impairment of the quality of the City water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.
- L. Commissioner means the Commissioner of Public Works of the City of Rensselaer, or his authorized representatives.
- M. County Health Officer means the Rensselaer County Health Officer, his assistants, or authorized deputies acting as, or any other person appointed as Health Officer of the County of Rensselaer.
- N. Cross Connection means any unprotected connection between any part of the City water distribution system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.
- O. Person means any natural person, firm, association, organization, partnership, trust or association of persons, joint venture, corporation or company, and includes the United State, the State of New York, the County of Rensselaer, and Special Purpose District, and any officer or agent thereof.
- P. Premises means integrated land area including improvements thereon undivided by public thoroughfares or water distribution mains of the City of Rensselaer and where all parts of the premises are operated under the same management and for the same purpose.

- Q. Protective Device means any of the following devices:
1. Air Gap Separation
 2. Approved Reduced Pressure Principle Backflow Prevention Device (RPZ)
 3. Approved Double Check Valve Assembly
 4. Approved Single Check Valve Assembly
- R. Service Connection means the terminal end of a service connection from the City water supply at its point of delivery to the consumer. If a meter is installed, “service connection” means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.
- S. Shall – is mandatory; May – is permissive.
- T. Toxic Substance means any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that when introduced into the water supply system creates or may create a danger to the health and well being of the consumer.
- U. Non Toxic Substance means any substance of a non-poisonous nature that may create a moderate or minor hazard to the water supply system.

SECTION III – GENERAL POLICY

The City of Rensselaer Water Department may at any reasonable time inspect any facility in order to determine if a hazard exists due to an actual or potential cross-connection between the water system and any potential source of contamination. In any case where the Commissioner deems such hazard to exist, he may require the property owner to install an approved backflow prevention device in every water service line to the facility for which a potential hazard exists. Such devices shall be installed at or as near the service connection as may be required by the Commissioner. Such backflow preventer shall be designed and installed in accordance with all regulations of Part 5.,1.31 of the New York State Sanitary Code, and must be approved by the Commissioner and the New York State Health Department prior to installations. All costs of installation and maintenance shall be borne by the property owner.

SECTION IV – WHERE PROTECTION REQUIRED; TYPE OF PROTECTION

The following is a partial list of facilities that are especially likely to have cross connection hazards:

- A. Auxiliary Water Supply. Each service connection from the City water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises in the City water supply.
- 1.) If the auxiliary water supply is handled in a separate piping system with no know cross connections, the City water supply shall be protected by an approved double check valve assembly installed at the service connection to the premises. When the auxiliary water supply may be contaminated,

the Commissioner may order the City water supply protected by an air gap separation or an approved RPZ installed at the service connection.

- 2.) If the auxiliary water supply is handled in a separate piping system and cross connections are known to exist between the City water supply and the auxiliary water supply which cannot presently be eliminated, the City water supply shall be protected by an approved RPZ installed at the service connection to the premises. When the auxiliary water supply may be contaminated, the Commissioner may order the City water supply protected by an air gap separation installed at the service connection.

- B. Toxic or Hazardous Substances Under Pressure. At the service connection to any premises on which any material dangerous to health or toxic substance in toxic concentration is or may be handled under pressure, the City water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tank shall be entirely visible. If these conditions cannot reasonable be met, the City water supply shall be protected with an approved RPZ which is acceptable to both the Commissioner and the County Health Officer.
- C. Toxic or Hazardous Substances Not Under Pressure. At the service connection to any premises on which any material dangerous to health or toxic substance in toxic concentration is not handled under pressure but is otherwise handled in such a manner as to constitute a cross connection, the City water supply shall be protected by any approved RPZ unless such cross connection is abated to the satisfaction of the Commissioner and approved by the County Health Officer.
- D. Non Hazardous Substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the City water supply is handled in such a manner as to constitute a cross connection, the City water supply shall be protected by an approved double check valve assembly.
- E. Sewage & Storm Drain Treatment Plants and Pumping Stations. At the service connection to any sewage treatment plant or sewage pumping station, the City water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service connection and all piping between the service connection and receiving tank shall be entirely visible. If these conditions cannot be reasonable met, the City water supply shall be protected with an approved RPZ providing this alternative is acceptable to both the Commissioner and the County Health Officer. A final decision in this matter shall be made by the State Health Department.
- F. Fire Systems. At the service connection to any premises in which a fire protection system is installed, the City water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:
 - 1.) Class 1 – Direct connection from public water mains only; no pumps, tanks

or reservoirs; no physical connections from auxiliary water supplies; no antifreeze or other additives of any kind: all sprinkler drains discharging to atmosphere, dry wells, or other safe outlets.

Protection – None other than the check valve required by the National Fire Code.

- 2.) Class 2 – Same as Class 1, except booster pumps may be installed in the connections from the street mains.

Protection – None other than the check valve required by the National Fire Code.

- 3.) Class 3 – Direct connection from public water supply main plus one or more of the following: elevated storage tanks; fire pumps taking suction from above-ground covered reservoirs or tanks; and pressure tanks.

Protection – Double check valve assembly.

- 4.) Class 4 – Directly supplied from public mains similar to Classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1700 feet of the pumper connection.

Protection – Air gap or RPZ.

- 5.) Class 5 – Directly supplied from public mains, and interconnected with auxiliary supplied, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Protection – Air gap or RPZ.

- 6.) Class 6 – Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

Protection – Determined by the Commissioner upon review of engineering drawings of the system.

G. Lawn Sprinkling Systems. At the service connection to any permanently installed, below-grade lawn sprinkling system, the City water supply shall be protected by any approved RPZ assembly.

H. Others. Examples of other facilities which require cross connection control Include, but are not limited to:

1. Beverage bottling plants
2. Breweries
3. Food processing plants
4. Chemical plants and plating facilities
5. Film laboratories
6. Hospitals, medical buildings, sanitariums, morgues and mortuaries
7. Irrigation systems
8. Laundries and dye works
9. Meat packing plants
10. Metal manufacturing, cleaning and fabricating plants
11. Radioactive materials production or research plants
12. Restricted, classified or other facilities closed to inspection
13. Sewage and storm drain facilities
14. Buildings heated by boilers where treatment chemicals are used

15. Buildings with certain types of air conditioning system
16. Swimming pools
17. Printing operations
18. Furniture stripping

SECTION V – RESPONSIBILITY

- A. Consumer Responsibility. It shall be the responsibility of each consumer at his won expense to furnish, install, and keep in good working order and safe condition any and all protective devices required by this Chapter. The City shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with, any protective device by any consumer or any other person.
- B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this Chapter, the consumer shall be required only to install the protective device which, in the opinion of the Commissioner and County Health Officer, affords the maximum protection to the City water supply.

SECTION VI – INSPECTION; RECORDS; COST

The consumer on whose premises any protective device is installed shall have each such device inspected and tested annually. Inspection and test shall be performed under the supervision of a tester certified by the Department of Health. If successive inspections disclose repeated failures in the operation of any device, the Commissioner may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs, and overhauls shall be kept and a copy of such record forwarded to the Commissioner on an annual basis. The Commissioner shall have the duty of determining that the inspection required herein are performed properly. If following demand, therefore, the consumer fails to have any of the inspections made as required herein or to make the above described records available, the Commissioner shall have the right to inspect the device and the consumer shall pay the cost thereof. The cost of any inspection made by the Commissioner shall be billed to the consumer.

SECTION VII – NON-COMPLIANCE; SERVICE TO BE DISCONTINUED; NOTICE; SERVICE.

- A. Delivery of water shall be discontinued immediately and without notice to the consumer if the Commissioner or County Health Officer determines that the City water supply is being contaminated or is in immediate danger of contamination; delivery of water shall not be resumed until any protective device required by this Chapter and approved by the Commissioner has been properly installed, or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the Commissioner and County Health Officer.

- B. No water service connection shall be installed on the premises of any consumer unless the City water supply is protected as required by this Chapter.
- C. Delivery of water to the premises of any consumer may be discontinued or a fine may be imposed on the consumer if the Commissioner or County Health Officer determines that:
 - 1.) A protective device required by this Chapter has not been installed, or is defective, or has been removed, or by-passed;
 - 2.) The consumer cannot immediately be located;
 - 3.) Records of inspection are not submitted in a timely manner.
- D. Delivery of water shall not be discontinued or a fine imposed, until written notice thereof has been given to the consumer. The notice shall state:
 - 1.) The conditions or defects which must be corrected;
 - 2.) The manner in which the stated conditions or defects are to be corrected; and
 - 3.) The date on or after which delivery of water shall be discontinued or a fine imposed, and which shall not be less than fifteen (15) nor more than ninety (90) days following the date of delivery of mailing of the notice. The Commissioner may grant the consumer an extension of an additional period not to exceed ninety (90) days if it has been determined that the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

The notice shall be given by delivery of same to the consumer, the manager or agent thereof, or to any person in charge of, or employed in the place of business of the consumer; or, if the consumer has no place of business, then at the place of residence of the consumer if known. If the consumer cannot be found, service of the notice shall be mailed, postage fully pre-paid, addressed to the consumer at the place of business or residence set forth in the application of consumer for water service in the records of the City.

Once discontinued, delivery of water shall not be resumed until any protection devices required by this Chapter and approved by the Commissioner has been properly installed, or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Commissioner and the County Health Officer.

If a fine has been imposed, it shall be in the amount of \$100.00/day, and it shall accumulate daily until any protective device required by this Chapter and approved by the Commissioner has been properly installed, or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Commissioner and the County Health Officer.

- E. For the purpose of making any inspections or discharging the duties imposed by This Chapter, the Commissioner and County Health Officer shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the

Continued delivery to his premises of water from the City water supply, shall be considered as having stated his consent to the entry upon his premises of the Commissioner and County Health Officer for the purposes stated therein.

SECTION VIII – PRESENTLY INSTALLED DEVICES

All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described therein at the time of installation and which have been properly maintained, shall except for the inspection and maintained requirements under Section V be excluded from the requirements of these rules so long as the Commissioner is assured that they will satisfactorily protect the City's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this chapter.

SECTION IX – RESTRICTIVE COVENANT AGREEMENTS

The Water Department is authorized to enter into restrictive covenant agreements with various commercial, industrial and residential facilities regarding the installation of backflow prevention devices on their real property. These agreements shall allow backflow prevention devices to be installed in the main building with a meter at the property line as long as there are no taps between the meter and the main building, while requiring that if a tap is installed between the meter and the main building then backflow prevention devices must be removed to the property line. These agreements shall be binding on all successors to the property, and may be dischargeable by the Water Department whenever such backflow prevention devices are no longer required by law or ordinance for said property. The agreements shall contain such additional terms and conditions as the Water Department deems to be appropriate.

SECTION X – EFFECTIVE DATE

That this ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION XI – CONSTITUTIONALITY; SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

The Common Council of the City of Rensselaer declares that it would have passed this ordinance and every section, subsection, sentence, clause, and phrase thereof, irrespective

of the fact that any one or more sections, subsection, sentence, clauses or phrases be declared unconstitutional.

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

#13 **A RESOLUTION SCHEDULING A PUBLIC HEARING
FOR THE EXCHANGE OF LAND**

WHEREAS, the City of Rensselaer is desirous of scheduling a Public Hearing to discuss the exchange of land between the City of Rensselaer and Mr. Orciuoli, and

WHEREAS, the City of Rensselaer deems it in the best interest to complete this exchange of land (see reasons in Kevin McLoughlin's memo attached).

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing to discuss the land exchange be scheduled on May 5th, 2010 at 7:55 p.m. in the Common Council Chambers, and

BE IT FURTHER RESOLVED, that the City Clerk be authorized to prepare and publish the necessary publications.

Approved as to form and sufficiency
this 21st day of April 2010

Corporation Counsel


Mayor

Resolutionlandexchangeph042110

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

	AYES	NOES
	✓	
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	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
Total	10	0

By Alderperson : _____ Council _____

Seconded by Alderperson : _____ Council _____

#15

A RESOLUTION ESTABLISHING A POLICY FOR ELECTRICAL WORK TO BE DONE ON CITY BUILDINGS

WHEREAS, the City of Rensselaer is desirous of establishing a new policy for electrical work to be performed on any City property.

NOW, THEREFORE, BE IT RESOLVED, that effective immediately, any electrical work to be performed on any City property on voltage over 60 volts excluding fire or other life safety systems must be done by an insured and licensed electrician recognized in New York State by Rensselaer or adjoining counties.

Approved as to form and sufficiency
this 21st day of April 2010

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

	AYES	NOES
	✓	
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	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
Total	10	0

Corporation Counsel

Mayor

Resolutionelectrician042110

