



**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

## MEMORANDUM

**TO:** TOM CAPUANO, D.P.W. COMMISSIONER  
JEFFRY JACKSON, ASSESSOR  
CLAIRE DALTON, CIVIL SERVICE SECRETARY  
DANIEL DWYER, MAYOR  
MARIANNE OGREN, MAYOR'S SECRETARY  
SARAH CROWELL, PLANNING DEPARTMENT  
RICK FUSCO, CHIEF OF POLICE  
JIM FRANKOSKI, DEPUTY CHIEF OF POLICE  
RICH BERHAUPT, PURCHASING  
SUSAN LUPIAN, TREASURER  
MARY CRAMER, DEPUTY WATER COMMISSIONER  
DAN DWYER, JR., YOUTH DIRECTOR  
JANE CHIRGWIN, LIBRARIAN  
PHIL FOUST, FIRE CHIEF  
CHARLES SEMOWICH, HISTORIAN

**FROM:** MAUREEN G. NARDACCI, CITY CLERK

**DATE:** JUNE 2, 2011

**RE:** RESOLUTION FROM JUNE 1, 2011  
COMMON COUNCIL MEETING

**ATTACHED, PLEASE FIND SIGNED COPIES OF THE  
RESOLUTIONS PASSED AT THE COMMON COUNCIL MEETING  
HELD ON WEDNESDAY JUNE 1, 2011**

**IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO  
CONTACT ME.**

**COMMON COUNCIL MEETING  
CITY OF RENSSELAER  
REGULAR MEETING  
JUNE 1, 2011  
7:00 P.M.**

THE COUNCIL CONVENED AT 7:00 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

ALDERPERSON TAGLIENTO MOVED THAT THE MINUTES BE ADOPTED AS PRINTED SUBJECT TO CORRECTIONS, SECONDED BY ALDERPERSON ELACQUA.

AYES: WEBBER, VAN VORST, ELACQUA, POOLE, TAGLIENTO, STALL, CASEY, MOONEY, VAN DYKE AND ADALIAN.

PRESIDENT ADALIAN DECLARED THIS MOTION DULY ADOPTED.

COMMUNICATIONS FROM DEPARTMENT HEADS: RECEIVED MONTHLY REPORT FROM CLERK NARDACCI.

CLERK NARDACCI REPORTS THAT THE MAYOR HAS APPROVED OF ALL RESOLUTIONS PASSED AT THE LAST COUNCIL MEETING.

CLAIMS: PROGRESSIVE INSURANCE VS: THE CITY OF  
RENSSELAER

PETITIONS: NONE

BIDS: NO BIDS

A MOTION WAS MADE BY ALDERPERSON MOONEY TO ADJOURN  
AT 7:09 P.M. SECONDED BY ALDERPERSON POOLE.

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

NOES: NONE.

PRESIDENT ADALIAN DECLARED THIS MOTION DULY ADOPTED.

NEXT MEETING: JUNE 15, 2011

CITY OF RENSSELAER, COMMON COUNCIL MEETING		
June 1, 2011		
Aldersperson moved that all bills and payrolls be referred to the Auditing Committee. The City Clerk reports that the bills and payrolls amounted to:		
<b>BILLS ENCUMBERED THROUGH:</b>	<b>5/18/2011</b>	<b>6/1/2011</b>
General City Bills	71,224.88	13,418.09
Water Department Bills	11,429.00	275.00
Solid Waste Bills	20,920.49	-
Library	185.00	114.11
Community Development Block Grant-Home Program	1,245.00	-
Small Cities	17,265.00	-
Fort Crailo Façade Program	-	-
Paid prior to board audit	217,166.10	1,796.61
H Fund	-	-
Broadway Corridor	-	-
<b>TOTAL</b>	<b>339,435.47</b>	<b>15,603.81</b>
<b>PAYROLL DATES</b>	<b>5/13/2011</b>	<b>5/27/2011</b>
Library Payroll-	\$3,039.50	\$3,031.25
Common Council Payroll-	\$2,859.04	\$2,859.04
General City Payroll-	\$15,376.45	\$15,166.45
Planning & Development Payroll-	\$9,460.97	\$9,689.56
Fire Department Payroll	\$19,652.41	\$19,652.41
Fire Department Overtime	\$1,305.21	\$2,759.97
Fire Department Kelly Days	\$4,393.28	\$665.46
Fire Department Longevity	\$78.85	\$78.85
Fire Department EMT	\$923.04	\$923.04
Police Department Payroll-	\$46,448.43	\$46,448.43
Police Department Overtime-	\$12,718.13	\$10,639.54
Police Dispatcher	\$3,697.26	\$3,697.26
Police Clerks	\$1,576.13	\$1,602.98
Police longevity	\$390.36	\$390.36
K9Dog/Food/Training	\$149.93	\$149.93
Animal Control Officer	\$523.08	\$523.08
BUNY	\$0.00	\$134.77
DWI	\$0.00	\$0.00
Commissioner Of Public Works	\$1,650.37	\$1,650.37
Public Works Senior Clerk	\$1,173.46	\$1,173.46
Public Works Clothing	\$0.00	\$0.00
Public Works Maintenance Payroll-	\$32,983.05	\$32,432.22
Summer Help	\$0.00	\$847.50
Public Works Overtime-	\$1,416.71	\$1,890.22
Commissioner Of Water	\$401.44	\$401.44
Water Department Clerk/Deputy	\$1,279.68	\$1,198.38
Water Department Maintenance Payroll-	\$4,942.98	\$5,107.57
Water Department Overtime-	\$1,327.12	\$1,730.11
Water Department P. T. Clerk	\$0.00	\$0.00
Commissioner Of Solid Waste	\$178.42	\$178.42
Solid Waste Maintenance Payroll-	\$7,322.30	\$7,322.30
Solid Waste Overtime-	\$958.12	\$741.62
Health Insurance Opt Out	\$750.00	\$0.00
Gen/Lib/SS/Med	\$11,808.11	\$11,806.83
Water/SS/Med	\$605.72	\$631.92
Solid Waste/SS/Med	\$638.08	\$620.06
<b>TOTAL</b>	<b>\$190,027.63</b>	<b>\$186,144.80</b>
I hereby certify that the above claims were duly audited and ordered paid at a meeting of the Common Council held on this date: <b>June 1, 2011</b>		
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 JUNE 1, 2011**

1. RESOLUTION HONORING TOBI FREEBERN FOR RECEIVING THE "TRUSTEE OF THE YEAR AWARD FROM THE UPPER HUDSON LIBRARY SYSTEM ADMINISTRATION COMMITTEE.
2. A RESOLUTION DECLARING THE COMMON COUNCIL OF THE CITY OF RENSSELAER LEAD AGENCY FOR PURPOSES OF SEQRA REVIEW FOR IMPLEMENTATION OF ELEMENTS OF THE INFRASTRUCTURE IMPROVEMENTS PROGRAM, AND ADOPTING A SEQRA DETERMINATION OF NON- SIGNIFICANCE.
3. A RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIBIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE.
4. BOND RESOLUTION OF THE CITY OF RENSSELAER, RENSSELAER COUNTY, NEW YORK, ADOPTED JUNE 1, 2011, AUTHORIZING THE UNDERTAKING OF A CERTAIN PROJECT CONSISTING OF SEPARATION OF THE COMBINED SANITARY AND STORMWATER SYSTEM SEWER LINES, MAINS, VALVES AND APPURTENANCES THERETO AND THE RECONSTRUCTION OF ROADWAYS AND SIDEWALKS TO THE EXTENT REASONABLY NECESSARY TO PERMIT SUCH CONSTRUCTION AND RECONSTRUCTION, STATING THE ESTIMATED MAXIMUM COST OF SAID PROJECT, TOGETHER WITH CERTAIN COSTS PRELIMINARY AND INCIDENTAL THERETO IS \$6,600,000.00, APPROPRIATING SAID SUM THEREFORE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY TO FINANCE SAID APPROPRIATION.
5. A RESOLUTION SCHEDULING A PUBLIC HEARING FOR BANNING THE HARBORING OF FARM ANIMALS IN THE CITY OF RENSSELAER.

By Alderperson : Council As A Whole

Seconded by Alderperson : \_\_\_\_\_

#1

**RESOLUTION HONORING TOBI FREEBERN FOR RECEIVING THE "TRUSTEE OF THE YEAR AWARD" FROM THE UPPER HUDSON LIBRARY SYSTEM ADMINISTRATION COMMITTEE**

WHEREAS, the Upper Hudson Library System Administration Committee of New York State reviewed nominations for the "Trustee of the Year", and

WHEREAS, Tobi Freebern, a Rensselaer resident and Chairman of the Rensselaer Public Library Commission, was nominated by City Librarian, Jane Chirgwin for this award, and

WHEREAS, the Commission recognizes those who have provided extraordinary service to libraries by bestowing the "Trustee of the Year Award" to Tobi Freebern, and

WHEREAS, Tobi Freebern will be honored at a dinner on June 8<sup>th</sup>, 2011 by the Upper Hudson Library System Administration Committee, for her outstanding achievement in her role to help make the Rensselaer City Library a success.

NOW, THEREFORE BE IT RESOLVED, that the Mayor, Rensselaer Common Council, City Clerk, City Treasurer and all its citizens, take this opportunity to wish Tobi Freebern congratulations for her hard work, dedication and determination which led her to be awarded the "Trustee of the Year Award" by the Upper Hudson Library System Administration Committee and by naming June 8<sup>th</sup>, 2011 "Tobi Freebern Day" in the City of Rensselaer.

Approved as to form and sufficiency  
this 1<sup>st</sup> day of June 2011

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

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

\_\_\_\_\_  
Corporation Counsel  
*David J. Dwyer*  
\_\_\_\_\_  
Mayor

By Alderperson : \_\_\_\_\_ Mooney \_\_\_\_\_

Seconded by Alderperson : \_\_\_\_\_

# 2

**A RESOLUTION DECLARING THE COMMON COUNCIL OF THE CITY OF  
RENSSELAER LEAD AGENCY FOR PURPOSES OF SEQRA REVIEW FOR  
IMPLEMENTATION OF ELEMENTS OF THE INFRASTRUCTURE  
IMPROVEMENTS PROGRAM, AND ADOPTING A SEQRA DETERMINATION  
OF NON-SIGNIFICANCE**

**WHEREAS**, the Common Council of the City of Rensselaer seeks to make improvements to its sanitary and Stormwater sewer systems, as fully described in the Infrastructure Improvements Program Map, Plan and Report prepared by J. Kenneth Fraser and Associates dated July 9, 2009, as Project 1 – Washington Avenue Corridor Improvements and Project 3 – Broadway Sewer and Drain Improvements, and

**WHEREAS**, this Project is included in the draft Albany Pool Communities Long Term Control Plan, a multi-jurisdictional effort to address Combined Sewer Overflows along the Hudson River by separating Stormwater and sewage flows, and

**WHEREAS**, after reviewing an environmental assessment form and other relevant information pursuant to the State Environmental Quality Review Act (“SEQRA”), by resolution dated May 4, 2011, the Common Council determined that the Project constituted an Unlisted Action under SEQRA, declared itself lead agency, determined that the Project would not have any significant adverse environmental impacts and adopted a Negative Declaration, and

**WHEREAS**, it was subsequently determined that, pursuant to the procedural requirements of the New York State Environmental Facilities Corporation, it is desirable to perform a coordinated review with other potentially involved agencies pursuant to SEQRA, and

**WHEREAS**, those agencies that are potentially involved agencies under SEQRA for this project have been notified of the Common Council’s desire to serve as SEQRA lead agency for the coordinated review of the Project and they have concurred with the Common Council servicing in that role.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council declares itself lead agency for this action and for the purposes of SEQRA, and

**BE IT FURTHER RESOLVED**, that the Project is an Unlisted Action under SEQRA, and

**BE IT FURTHER RESOLVED**, and based upon review of a Full Environmental Assessment Form ("EAF"), and the recommendations contained in the report referred to above, the Common Council hereby determines that this action will not have a significant adverse impact upon the environment, and

**BE IT FURTHER RESOLVED**, that the Common Council, as lead agency for the purpose of implementation of Projects 1 and 3 of the Infrastructure Improvements Program, adopts a determination of non-significance (Negative Declaration) based on the preparation and review of the above-mentioned EAF and other relevant information, and

**BE IT FURTHER RESOLVED**, that the Director of Planning and Development is authorized to file copies of the Negative Declaration and this resolution as required by law, and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Approved as to form and sufficiency  
this 1<sup>st</sup> day of June 2011

Corporation Counsel

Mayor

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

ResolutionSEQRA060111

# STATE ENVIRONMENTAL QUALITY REVIEW ACT

## NEGATIVE DECLARATION

### Notice of Determination of Non-Significance

**Project No:** n.a.

**Date:** June 1, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, "SEQRA") of the Environmental Conservation Law.

The Common Council of the City of Rensselaer has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Sewer Infrastructure Improvements

**SEQRA Status:** Unlisted/Coordinated Review

**Conditioned Negative Declaration:** No

**Location:** Various locations within the City of Rensselaer: Thoroughfares and side streets bounded by Broadway to the west, Wendell Street to the south, 4th Street to the east and Catherine Street to the north; crossing of the railroad tracks from Broadway to the existing CSP No. 6; Washington Avenue corridor bounded at the west by the I-90 overpass and the east by the City limits at the North Greenbush town line.

**Description of Action:** The action involves infrastructure improvements for the separation of sanitary sewage flows and stormwater. Existing combined sanitary and storm sewer lines will be replaced by new, separate, sanitary sewer lines and stormwater collection systems. The improvements will be carried out in and adjacent to existing roadways.

#### **Reasons Supporting this Determination:**

Please see attached Addendum.

#### **If Conditioned Negative Declaration,**

#### **For Further Information:**

Contact Person: Sarah Stern Crowell, AICP, Director of Planning and Development

Address: City Hall  
62 Washington Street  
Rensselaer, New York 12144

Telephone Number: (518) 465-1693

## **Negative Declaration Addendum**

The proposed project involves infrastructure improvements designed to separate sanitary sewage flows from stormwater. The project will involve the replacement of existing combined sanitary and storm sewer lines with new, separate sanitary sewer lines and stormwater collection systems. This will have a positive environmental impact because it will remove stormwater flows from the sanitary sewer system, thereby preventing combined sewer overflows during storm events and improving the effectiveness of sanitary sewage collection and treatment. The project is among those included in the draft Albany Pool Communities Long Term Control Plan, a multi-jurisdictional effort to address the problem of combined sewer overflows. The work will be performed in and adjacent to existing municipal roadways.

By Alderperson : Mooney

Seconded by Alderperson : \_\_\_\_\_

#3

**A RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING  
IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE  
"MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A  
TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING  
FUNDS THEREFORE**

**WHEREAS**, a Project for the Highway Reconstruction of Broadway; US20 to Broadway Viaduct Bridge, City of Rensselaer, P.I.N. 1757.15 (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 ration of 80% Federal funds and 20% non-federal funds; and

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

**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 Rensselaer to pay in the first instance 100% of the federal and non-federal share of the cost of additional Preliminary Engineering and Right of Way work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$814,600.00 (Eight hundred fourteen thousand six hundred dollars and no cents) has already been appropriated from budget line #H-5112-1206-0036 and made available to cover the cost of participation in the above phase of the Project, and it is further

**RESOLVED**, that the additional sum of \$88,511.00 (Eighty eight thousand five hundred eleven dollars and no cents) is hereby appropriated from #A8140-0211 [or, appropriated pursuant to] 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 Rensselaer 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

**RESOLVED**, that the Mayor of the City of Rensselaer 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 Rensselaer 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.

Approved as to form and sufficiency  
this 1<sup>st</sup> day of June 2011

Corporation Counsel

Mayor

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

ResolutionDOTiaid060111

By Alderperson : \_\_\_\_\_ Stall \_\_\_\_\_

Seconded by Alderperson : \_\_\_\_\_

**BOND RESOLUTION**

#4

BOND RESOLUTION OF THE CITY OF RENSSELAER, RENSSELAER COUNTY, NEW YORK, ADOPTED JUNE 1, 2011, AUTHORIZING THE UNDERTAKING OF A CERTAIN PROJECT CONSISTING OF SEPARATION OF THE COMBINED SANITARY AND STORMWATER SYSTEM IN CERTAIN AREAS IN THE CITY, INCLUDING THE ACQUISITION AND RECONSTRUCTION OF SANITARY SEWER AND STORMWATER SEWER LINES, MAINS, VALVES AND APPURTENANCES THERETO AND THE RECONSTRUCTION OF ROADWAYS AND SIDEWALKS TO THE EXTENT REASONABLY NECESSARY TO PERMIT SUCH CONSTRUCTION AND RECONSTRUCTION, STATING THE ESTIMATED MAXIMUM COST OF SAID PROJECT, TOGETHER WITH CERTAIN COSTS PRELIMINARY AND INCIDENTAL THERETO IS \$6,600,000.00, APPROPRIATING SAID SUM THEREFORE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY TO FINANCE SAID APPROPRIATION.

**RECITALS:**

**WHEREAS,** the Common Council of the City of Rensselaer, New York (the “City”) has determined that undertaking a certain project (the “Project”) consisting of the separation of the combined sanitary and stormwater system in certain areas in the City, including the acquisition, construction and reconstruction of sanitary sewer and stormwater sewer lines, mains, valves and appurtenances thereto and the reconstruction of roadways and sidewalks to the extent reasonably necessary to permit such construction and reconstruction, as more fully described in the reports prepared by J. Kenneth Fraser and Associates entitled “Map, Plan and Report: Infrastructure Improvements Program – Project 1, Washington Avenue Corridor Improvements” and “Map, Plan and Report: Infrastructure Improvements Program – Project 3, Broadway Sewer and Drain

Improvements," dated July 2009 and supplemented in April 2011 would be in the best interests of the City and its residents; and

**WHEREAS**, the Common Council has previously adopted a resolution determining that the acquisition, construction and reconstruction of the Project will not have a significant adverse impact upon the environment and has issued a Negative Declaration with respect thereto, in accordance with the State Environmental Quality Review Act and the regulations issued pursuant thereto;

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF RENSSELAER AS FOLLOWS:**

**Section 1.** The Recitals set forth above are hereby incorporated in this place as if set forth in full at this place.

**Section 2.** The City is hereby authorized to advertise for bids for, and to undertake the Project, including engaging engineering and other professionals with respect thereto.

**Section 3.** (a) The estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof is \$6,600,000.00 and said amount is hereby appropriated for such purpose.

(b) To finance said appropriation, serial bonds of the City are hereby authorized to be issued in the aggregate principal amount of up to \$6,600,000.00, pursuant to and in accordance with the provisions of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York, as amended (the "Law").

**Section 4.** (a) The plan of financing the cost of the Project (including costs preliminary and incidental thereto) consists of issuing bonds and bond anticipation notes in the aggregate principal amount of up to \$6,600,000.00. The City intends to apply for a loan or loans

from the New York State Environmental Facilities Corporation ("EFC") to finance all or a portion of the costs of the Project and certain costs and fees of EFC relating to the loan or loans. The City may, although it is not obligated to do so, sell all or any portion of the bonds and/or notes authorized by this resolution to EFC as evidence of such loan or loans. The Mayor is hereby authorized to execute and deliver on behalf of the City such documents and instruments as EFC may require in order to obtain such loan or loans, including, without limitation, applications and a project financing and loan agreement or similar document.

(b) The annual debt service on the bonds may (but need not) be substantially level or declining annual debt service as provided in Section 21.00 (d) of the Law.

**Section 5.** The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific objects or purposes for which the bonds authorized by this resolution are to be issued is forty (40) years within the limitation of Sections 11.00(a)(4) of the Law.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bonds anticipation notes issued in anticipation thereof, pursuant to Section 107.00 (d)(9) of the Law.

(c) Pursuant to Section 34.00 of the Law, this resolution is not subject to a permissive referendum.

(d) The City, including any subordinate entity of the City (within the meaning of Section 265(b)(3)(E) of the Internal Revenue Code of 1986, as amended (the "Code"), reasonably does not expect to issue more than \$30,000,000 of "qualified tax-exempt obligations" (as defined in Section 265 (b)(3) of the Code) during the 2011 calendar year.

(e) The bonds authorized by this resolution are not private activity bonds as defined in Section 141 of the Code.

(f) All of the proceeds of the bonds authorized by this resolution and any notes issued in anticipation of the sale of said bonds shall be used to undertake the Project and to pay costs incidental and preliminary thereto (including, without limitation, costs relating to the issuance of the bonds and any notes issued in anticipation of the issuance of said bonds).

**Section 6.** Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law, shall be issued in fully registered form and shall be general obligations of the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds, and, to the extent other revenues are not available, provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

**Section 7.** The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, revised or otherwise created, is hereby authorized, ratified and confirmed, pursuant to, and subject to the restrictions of, Section 165.10 of the Law, for the objects or purposes described in Section 1 hereof. As provided in Section 165.10 of the Law, the City intends to reimburse such funds from the proceeds of the bonds or notes authorized hereby. This resolution is a declaration of official intent under Section 1.150-2 of the Treasury Regulations issued pursuant to the Code.

**Section 8.** The City hereby covenants and agrees with the holders from time to time of the bonds authorized hereby, and any bond anticipation notes issued in anticipation thereof, that the City will duly and faithfully observe and comply with the provisions of the Code relating to actions which the City must take or cause to be taken to ensure the status of the interest on the bonds authorized hereby, and any notes issued in anticipation thereof, is excludable from gross income for federal income tax purposes.

**Section 9.** The Treasurer of the City is hereby authorized to designate as a "qualified tax-exempt obligation" pursuant to and within the meaning of Section 265(b) of the Code the bonds authorized hereby and any notes issued anticipation thereof.

**Section 10.** The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

**Section 11.** The City Clerk is hereby authorize and directed to publish the foregoing bond resolution, or a summary thereof, in The Record, the official newspaper of the City, said bond resolution or summary to be published together with the City Clerk's statutory notice provided by Section 81.00 of the Law.

**Section 12.** The prior bond resolution related to the Project adopted by the Common Council on May 4, 2011 is hereby rescinded.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**Section 13.** This resolution shall take effect immediately.

Approved as to form and sufficiency  
this 1<sup>st</sup> day of June, 2011.

\_\_\_\_\_  
Corporation Counsel

Approved:

*Ronald J. Graper*  
\_\_\_\_\_  
Mayor

ResolutionBond060111

	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

By Alderperson : Van Dyke

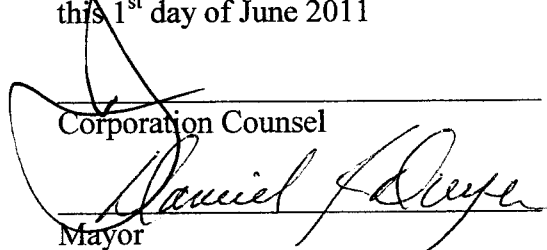
Seconded by Alderperson : \_\_\_\_\_

#5 **A RESOLUTION SCHEDULING A PUBLIC HEARING  
FOR BANNING THE HARBORING OF FARM ANIMALS  
IN THE CITY OF RENSSELAER**

**WHEREAS**, the City of Rensselaer is desirous of creating legislation for purposes of banning the harboring of farm animals in the City of Rensselaer in the form and substance similar to the City of Albany ordinance attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, that a Public Hearing be scheduled on Wednesday, June 15, 2011, immediately following the public speaking portion to discuss this proposed legislation.

Approved as to form and sufficiency  
this 1<sup>st</sup> day of June 2011

  
Corporation Counsel  
Mayor

	AYES	NOES
MARION WEBBER	✓	
JAMES VAN VORST	✓	
PHIL ELACQUA	✓	
GRETCHEN POOLE	✓	
DOMINICK TAGLIENTO	✓	
BRIAN STALL	✓	
JAMES CASEY	✓	
RICHARD MOONEY	✓	
MARGARET VANDYKE	✓	
HARRY ADALIAN	✓	
Total	12	0

Resolutionfaranimalph060111