

CITY OF RENSSELAER
IN
COMMON COUNCIL
REGULAR MEETING
APRIL 1, 1992

The Council convened at 8:00 p.m. and was called to order by President Finlan.
The Roll being called the following answered to their names:

President Finlan

Alderman: Conklin
Cipollari
Reynolds

Alderman: Falkouski
Fahrenkopf
Stocklas
Whitford

Alderman Falkouksi moved that theminutes be adopted as printed subject to correction.

Alderman Falkouski moved that all bills and payrolls be referred to the Auditing Committee. The City Clerk reports that the City Bills, Water Department Bills, Water Administration Payroll, Water Maintenance Payroll, General City Payroll, Highway Payroll, Fire Department Payroll, Police Department Payroll, and Planning and Development Agency amounted to:

CITY BILLS:	\$31,008.28
WATER DEPARTMENT BILLS:	\$ 1,155.75
WATER DEPARTMENT ADMINISTRATION PAYROLL:	\$ 3,183.97
WATER MAINTENANCE PAYROLL:	\$ 2,501.90
WATER MAINTENANCE OVERTIME PAYROLL:	\$ 453.02
GENERAL CITY PAYROLL:	\$16,003.89
HIGHWAY PAYROLL:	\$17,322.74
HIGHWAY PAYROLL OVERTIME:	\$ 752.60
FIRE DEPARTMENT PAYROLL:	\$16,922.59
FIRE DEPARTMENT PAYROLL OVERTIME:	\$ 1,773.36
POLICE DEPARTMENT PAYROLL:	\$27,683.82
POLICE DEPARTMENT OVERTIME:	\$ 2,170.82
PLANNING & DEVELOPMENT AGENCY PAYROLL:	\$ 5,563.08
COMMUNITY DEVELOPMENT BLOCK GRANT:	\$22,559.79
RENTAL REHABILITATION ACCOUNT:	\$ 21.00
COMMON COUNCIL PAYROLL:	\$ 2,106.25

Alderman Falkouski moved, seconded by Alderman Conklin that all bills and payrolls be allowed and ordered paid.

The Clerk reports that the Mayor approved of all Resolution passed at the last meeting.

CLAIMS: Charles J. Rappazzo VS: The City of Rensselaer.
Deborah Connell VS: The City of Rensselaer.

Next Meeting April 15, 1992

Alderman Reynolds moved to adjorn at 8:12 p.m. seconded by Alderman Fahrenkopf.

145 By Alderman Falkouski

Seconded By Alderman Whitford

A RESOLUTION AUTHORIZING
THE EXPENDITURE OF MONIES
SUFFICIENT TO PAY
FOR SETTLEMENT OF AN ACTION
IN FAVOR OF ROBERT HAHN
V. CITY OF RENSSELAER.

WHEREAS an action is pending in Rensselaer County Supreme Court entitled Robert Hahn against The City of Rensselaer,

WHEREAS among the remaining causes of action not heretofore dismissed by motion is an allegation of violation of Civil Rights resulting from the removal of property from the subject premises without due process of law, and

WHEREAS the matter is scheduled for a pre-trial conference on April 8, 1992, with trial to commence soon thereafter, and

WHEREAS the Hartford Insurance Company, the City Liability Insurance carrier as of the date of the incident, has disclaimed all coverage due to the fact that the remaining causes of action allege civil rights violations and conversion, and

WHEREAS the Office of Corporation Counsel has determined that the City has substantial monetary exposure, including Plaintiff Counsel fees, should the matter proceed to trial, and

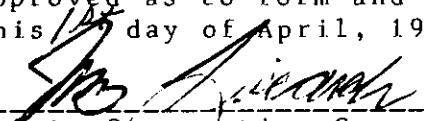
WHEREAS the Plaintiffs attorney has offered to settle the action pre-trial for the sum of \$13,500, and

WHEREAS the Hartford Insurance Company has offered in good faith to contribute \$5,000.00 toward settlement and discontinuance of the matter,

NOW THEREFORE BE IT RESOLVED that the City Treasurer be and he hereby is authorized to pay to Robert Hahn and Eugene R. Spada, Esq. as Attorney the sum of \$8,500.00 upon receipt by Corporation Counsel of proper duly executed releases and stipulations of discontinuance.

BE IT FURTHER RESOLVED that the City Treasurer be and he hereby is authorized to issue the necessary bonds and or notes of the City required to effect said payment.

Approved as to form and sufficiency
this 14th day of April, 1992.



Deputy Corporation Counsel

Ayes: Finlan, Conklin, Cipollari, Reynolds, Falkouski, Fahrenkopf, Stocklas, Whitford.
Noes: None. The President declared this resolution adopted.

146 By Alderperson Cipollari
Seconded By Alderman Conklin

A RESOLUTION SCHEDULING
A PUBLIC HEARING
FOR THE PURPOSE OF REMOVING
THE STOP SIGN ON
PARTITION STREET AT SIXTH STREET.

WHEREAS it is deemed in the best interests and public safety of the residents of the City of Rensselaer to remove the stop sign on Partition Street at Sixth Street.

NOW THEREFORE BE IT RESOLVED, that a public hearing concerning a removal of stop sign on Partition Street at Sixth Street will be conducted by the Common Council on April 15, 1992 at 7:55 P.M. in the Common Council Chambers, City Hall, City and County of Rensselaer, New York, and

BE IT FURTHER RESOLVED that notice of such public hearing be posted in accordance with the statutory requirements in such cases made and provided.

Approved as to form and sufficiency
this 1st day of April, 1992.

Joseph Liccardi
Corporation Counsel Deputy

Ayes: Finlan, Conklin, Cipollari, Reynolds, Falkouski, Fahrenkopf, Stocklas
Whitford.

Noes: None. The President declared this resolution duly adopted.

147 By Alderman Falkouski

Seconded By Alderman Conklin

A RESOLUTION AUTHORIZING
THE LETTING OF BIDS FOR
THE PURCHASE OF PAGERS
FOR THE FIRE DEPARTMENT

WHEREAS the Fire Department has determined that the present pagers owned by the City are in poor condition and the procurement of replacement pagers would greatly improve the ability of the Fire Department to perform their respective duties,

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Rensselaer hereby authorizes and directs the City Clerk to cause to be advertised for bid:

SPECIFICATIONS FOR PAGERS FOR THE FIRE DEPARTMENT

The following are the specifications that the pagers must meet to be compatible with the dispatch system in the police station:

UHF paging units, new or rebuilt with new factory audio board. Unit must be capable of dual address, single frequency and monitor/alert mode.

Unity frequency must be same with the present frequencies in the dispatch radio system for the Rensselaer Fire Department used to page the Fire Chiefs from that system.

Price to include batteries and amplifier charger with antenna connector.

The bid should be for fifty (50) pagers.

BE IT FURTHER RESOLVED that bids shall be submitted in accordance with general specifications available to bidders at the office of the City Clerk between the hours of 9:00 A.M. and 4:30 P.M. weekdays, and

BE IT FURTHER RESOLVED that all bids shall be submitted with detailed specifications of the equipment proposed to be furnished, and

BE IT FURTHER RESOLVED, that bids will be received at the office of the City Clerk, Rensselaer City Hall, 505 Broadway, Rensselaer, New York 12144, until 3:00 P.M. April 15, 1992, and all bids received shall be opened and read aloud at the regular meeting of this Council to be held at 7:30 P.M. on April 15, 1992, by the City Clerk who is hereby designated the city's agent for such purpose, and all bids shall further be accompanied by a bid bond in either certified check or sufficient surety in an amount equal to five (5%) of the total bid; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Rensselaer reserves the right to accept or reject any and all bids so submitted, to waive any informalities discovered therein, to readvertise for new bids at its discretion and in case two or more responsible bidders submit identical bids as to price, to award the contract to either of such bidders.

Approved as to form and sufficiency
this 1st day of April, 1992.

Joseph Liccardi
Corporation Counsel Deputy

Ayes: Finlan, Conklin, Cipollari, Reynolds, Falkouski, Fahrenkopf, Stocklas,
Whitford.

Noes: None. The President declared this resolution duly adopted.

148

By Alderperson Cipollari

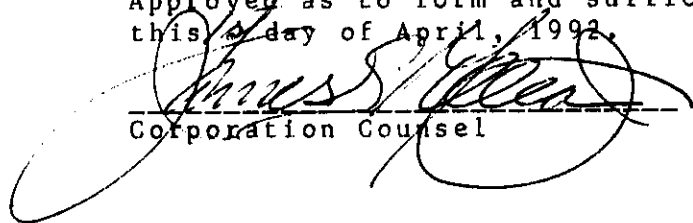
Seconded By Alderman Conklin

CLAIM PAYMENT
TO MR. & MRS.
JOHN DEWITT.

RESOLVED that upon recomendation of the Corporation Counsel the claim of Georgianna and John DeWitt in the sum of \$1,260.00 for damage to their front porch at 95 Partition Street, City of Rensselaer be and the same is hereby approved, and

BE IT FURTHER RESOLVED that the Treasurer be and he hereby is authorized and directed to pay the sum of \$1,260.00 to Georgianna and John DeWitt upon execution of a general release to the City of Rensselaer.

Approved as to form and sufficiency
this 4 day of April, 1992.



Corporation Counsel

A Motion was made by Alderwomen Cipollari to Table this resolution
Seconded by Alderman Conklin.

Ayes: Finlan, Conklin, Cipollari, Reynolds, Flakouski, Fahrenkopf,
Stocklas, Whitford.

Noes: None. The President declared this resolution TABLED.

149 By Alderman Fahrenkopf

Seconded By Alderman Stocklas

RESOLUTION TO REFUND
OVERPAID WATER BILL

WHEREAS the water bills for the past six months on property at 50 Belleview Terrace, Rensselaer, were overpaid because meter reading estimates were too high, and

WHEREAS access to the meter has now been gained and a correct reading obtained,

NOW THEREFORE BE IT RESOLVED, that the City Treasurer refund Margaret Brown Executive, 1704 Second Street, Rensselaer, NY 12144 the sum of \$127.42.

Approved as to form and sufficiency
this 13th day of April, 1992.



Corporation Counsel

Ayes: Finlan, Conklin, Cipollari, Reynolds, Falkouski, Fahrenkopf,
Stocklas, Whitford.

Noes: None. The President declared this resolution duly adopted.

150 Motion by Alderman Falkouski

Seconded by Alderman Fahrnekopf

RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
THE LAW FIRM OF MARINSTEIN &
MARINSTEIN OF TROY, NEW YORK

WHEREAS, from time to time the services of an attorney are required in connection with various community development activities administered by the Planning and Development Agency; and

WHEREAS, the law firm of Marinstein & Marinstein of Troy, New York, has submitted a proposal to assist the Planning and Development Agency in such matters; and

WHEREAS, the Office of the Corporation Counsel has reviewed said proposal and determined that it is fair and reasonable;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Rensselaer hereby authorizes the Mayor to enter into an agreement with the law firm of Marinstein & Marinstein of Troy, New York, to assist the Planning and Development Agency in the administration of such community development activities

AND BE IT FURTHER RESOLVED that Small Cities Block Grant funds shall be utilized to pay for associated expenses.

Approved as to Form and Sufficiency
this 1st Day of April 1992

Deputy Joseph Liccardi
Corporation Counsel

Maureen G. Nardacci 04/02/92
City Clerk Date

Joseph E. Harrigan 4/2/92
Mayor Date

Ayes: Finlan, Conklin, Cipollari, Reynolds, Falkouski, Fahrnekopf, Stocklas, Whitford.

Noes: None. The President declared this resolution duly adopted.

**CONTRACT TO EMPLOY
MARINSTEIN & MARINSTEIN**

Agreement made, effective March _____, 1992 by and between The City of Rensselaer New York of City Hall, Rensselaer, New York 12144 referred to as client and Marinstein & Marinstein of 251 River Street, Troy, New York, 12181-0155, referred to as attorneys.

The parties agree as follows:

**SECTION ONE
PURPOSE OF EMPLOYMENT**

Client employs attorneys to represent client as client's attorneys at law in collection of certain loans as defined by client and empowers attorneys to institute such legal action as may be advisable in the judgment of attorneys, and to effect a final compromise, subject to client's approval, in the matters.

**SECTION TWO
ATTORNEY FEES**

RETAINER: (a) Client agrees to pay attorneys at a rate of \$135 per hour.

or

(b) Client agrees to pay attorneys at a contingency rate of 1/3 of all amounts collected.

All foreclosure and bankruptcy proceedings shall be handled at an hourly rate. Fee arrangements for all other cases shall be upon mutual agreement of the parties on a case by case basis. If attorneys start to handle a case on contingency basis and client decides not to proceed with said case prior to the satisfaction of the obligation, attorneys shall have the option of being paid on an hourly basis on the file or on the contingency basis.

(c) Extensive litigation: Notwithstanding attorney's agreement to handle certain cases on a contingency basis, if a case involves examination(s) before trial and/or a trial, attorneys shall be paid on an hourly basis for preparation for and performance of examination(s) before trial and/or trial.

(d) Counterclaims: Client agrees to pay attorneys \$135 per hour to defend any counterclaims interposed by defendant.

SECTION THREE
COSTS OF ACTION

All costs and disbursements in connection with the services to be provided by attorneys under this agreement shall be paid by client. Attorneys require an advance for costs and disbursements associated with each litigated case. Attorneys shall bill client for further costs and disbursements advanced which client agrees to pay within 30 days.

SECTION FOUR
ATTORNEYS' LIEN

Attorneys are given a lien on the claim or cause of action, on any sum recovered by way of settlement, and on any judgment that may be recovered, for the sum mentioned above as attorneys' fee and costs and disbursements; and attorneys shall have all general, possessory, or retaining liens, and all special or charging liens, shown to the common law.

SECTION FIVE
EXPERTS AND INVESTIGATORS

Attorneys in attorneys' sole discretion, may employ expert investigators to investigate the facts surrounding the cause of action. All such experts shall report exclusively to attorneys. Fees charged by such expert witnesses and investigators shall be paid by client.

SECTION SIX
DISCLAIMER OF WARRANTY

Attorneys have made no warranties as to the successful termination of the cause of action, and all expressions made by attorney relative thereto are matters of attorneys' opinion only.

SECTION SEVEN
POWER OF ATTORNEY TO EXECUTE DOCUMENTS

Clients grants to attorneys a power of attorneys to execute all documents connected with the cause of action, including pleadings, contracts, commercial paper, settlement agreements and releases, verifications, dismissals, orders, and all other documents that client should otherwise properly execute.

SECTION EIGHT
LAW TO GOVERN CONTRACT

It is agreed that this agreement shall be governed by, construed, and enforced in accordance with the laws of the State of New York.

SECTION NINE
MODIFICATION

This agreement constitutes the entire agreement between the parties and any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if in writing signed by each party or any authorized representative of each party.

In witness whereof, each party to this agreement has caused it to be executed at the place and date indicated below:

EDWARD R. MARINSTEIN
MARINSTEIN & MARINSTEIN

****CORPORATE SEAL****

CITY OF RENSSELAER

BY: _____
JOSEPH E. HARRIGAN MAYOR

STATE OF NEW YORK)
COUNTY OF RENSSELAER) SS.:

On this _____ day of March, 1992, personally appeared before me Edward R. Marinstein personally known to me to be a member of the firm of Marinstein & Marinstein and to me known to be the person described in and who executed the foregoing instrument in the firm name of Marinstein & Marinstein and he acknowledged that he executed the same as the act and deed of said firm of Marinstein & Marinstein for the uses and purposes therein mentioned.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF RENSSELAER) SS.:

On the _____ day of March, 1992, before me personally came Joseph E. Harrigan to me known, who, being by me duly sworn, did depose and say that he resides at _____ that he is the Mayor of the municipal corporation described in and which executed the above instrument; that he knows the seal of said municipal corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Rensselaer City Counsel and that he signed his name by like order.

NOTARY PUBLIC

151 Motion by Falkowski

Seconded by Reynolds

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE CITY OF RENSSELAER'S APPLICATION FOR FFY 1992 HUD SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND THE ABBREVIATED COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY TO BE INCLUDED IN THE APPLICATION

WHEREAS, the Federal Housing and Community Development Act provides for a program of Community Development Block Grants to small cities; and

WHEREAS, the City of Rensselaer is eligible to submit an application to the U.S. Department of Housing and Urban Development not later than 8 May 1992 for a Federal Fiscal Year 1992 Small Cities Community Development Block Grant Comprehensive Grant in the amount of \$600 thousand; and

WHEREAS, in accordance with Federal Regulations a public hearing must be held on the application prior to its submission; and

WHEREAS, the City Planning and Development Agency has prepared an Abbreviated Comprehensive Housing Affordability Strategy (CHAS) which will be included in the City's Small Cities Block Grant application; and

WHEREAS, in accordance with Federal Regulations a public hearing must also be held on the abbreviated CHAS

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Rensselaer hereby schedules a public hearing to be held on Wednesday, 15 April 1992, at 7:30 PM, in the Common Council Chambers in order to afford all concerned an opportunity to consider and comment upon the City of Rensselaer's application for FFY 1992 Small Cities Block Grant funds and the abbreviated CHAS to be included in said application

AND BE IT FURTHER RESOLVED THAT the City Clerk is instructed to provide notice of said public hearing in an area newspaper of general circulation at least five (5) days prior to such hearing.

Approved as to Form and Sufficiency this 1ST Day of April 1992

Reynolds Corporation Counsel, Date

Joseph E. Harrigan 4/2/92
Mayor Date

Maureen G. Nardacchi 4/2/92
City Clerk Date

Ayes: Finlan, Conklin, Cipollari, Reynolds, Falkowski, Fahrenkopf, Stocklas, Whitford.

Noes: None. The President declared this resolution duly adopted.

EDWARD FINLAN
EDWARD BIL
ANNEE BATTENBERG
RICHARD CONKLIN
PATRICIA CIPOLLARI
GORDON FARENKOPF
MICHEL FALKOWSKI
ROBERT FARENKOPF
NICOLAS STOCKLAS
DANN WHITFORD

NAME	YES	NO
EDWARD FINLAN	✓	
EDWARD BIL		
ANNEE BATTENBERG		
RICHARD CONKLIN	✓	
PATRICIA CIPOLLARI	✓	
GORDON FARENKOPF	✓	
MICHEL FALKOWSKI	✓	
ROBERT FARENKOPF	✓	
NICOLAS STOCKLAS	✓	
DANN WHITFORD	✓	
TOTAL		

I hereby certify that the foregoing is a true and correct copy of the meeting of the Board of Alderman held April 1, 1992.

Maureen G. Nardacci
City Clerk
City of Rensselaer