

Sanctuary for Independent Mediaâ€™s Director Hopes to Build Positive Relationship with City

More details have emerged about the settlement reached between the City of Troy and the Sanctuary for Independent Media, which include \$5,000 payment to the sanctuary and a potential \$50,000 matching grant from the city for neighborhood improvements.

The settlement, which was reached earlier this month, tentatively includes the city matching a \$50,000 grant if the sanctuary is successful in receiving the grant. According to city spokesman Mike Fraser, the parameters of the settlement state that if the sanctuary fails to obtain the grant, then no matching grant will be given.

Fraser also indicated that the city is making sure to take the necessary step to ensure that a grant would be properly used.

Councilman Dean Bodnar, R-District 3, expressed some concern with the settlement, which he called "sudden." While he is happy a settlement was reached so the city, as well as the sanctuary, can move on from the matter, he was curious as to why the city still has to pay anything since the attorneys from O'Connell & Aronowitz worked for the case pro bono.

According to Mathew Tully, founding partner of Tully Rinckey PLLC., it is common for lawyer fees to still be paid in a settlement for a pro bono case. Tully said if an attorney prevails in a case representing a not-for-profit organization they will donate the money won for the work to be pro bono. If it goes in an attorney's pocket, though, that would not be considered pro bono.

"Just because it is pro bono doesn't mean they don't get paid attorney's fees," Tully said. "I'm not in the least bit surprised by the settlement."

He also said he was concerned that sanctuary could default on the grant and that the city could somehow be liable for repaying part or the entire grant.

"I don't want to go down that road because someone doesn't meet the qualifications for the grant," Bodnar said.

Steven Pierce, director of the Sanctuary for Independent Media, said the city would have nothing to worry about as he has successfully received grants from organizations such as the New York State Council on the Arts and the National Endowment of the Arts and has never defaulted on one.

"Why would anyone think there would be a particular one we would default on?" Pierce asked.

Pierce said he is happy the settlement was reached, as it means the sanctuary and the city will be able to move forward in a positive way.

"We're in and dedicated to the community and hope to expand our work, that's our goal," Pierce said. "It'll be great to have a positive and productive working relationship with this city."

The settlement comes after a lawsuit was filed in March 2008 when the sanctuary was shut

down by the city when it enforced a 14-month-old code violation whereby the building's doors were too narrow. This came after former Department of Public Works Commissioner Bob Mirch, who oversaw Code Enforcement at the time, led a protest against a controversial exhibit at the sanctuary by artist Waffa Bilal. The exhibit, titled "The Night of Bush Capturing: Virtual Jihadi," was a video game with the objective of assassinating President George W. Bush.