

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday June 16, 2014

The Common Council was convened at 7:00 p.m. and was called to order by Council President McLaughlin.

The roll being called, the following answered to their names: Council Members Appllys, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Also present was the following staff: Nala Woodard, Patrick Jordan and Barbara Samel.

Council Member Krasher led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Casino);
2. Jonathan Capra, 847 New Scotland Avenue 12208, (Red Light Cameras/License Plate Readers);
3. Vincent Rigosv, 13 Beach Avenue 12203, (NANO);
4. Thomas Hoey, 19 Vine Street 12203, 518-437-0753, (NANO IDA).

There being no further speakers, the President declared public comment closed.

CONSIDERATION OF LOCAL LAWS

The local laws on the pending agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF ORDINANCES

Council Member Robinson introduced ORDINANCE NUMBER 39.62.14, which was referred to the Law, Buildings, and Code Enforcement Committee:

AN ORDINANCE AMENDING ARTICLE XIA (VACANT BUILDING REGISTRY) OF CHAPTER 133 (BUILDING CONSTRUCTION) IN RELATION TO REGISTRY FEES AND REHABILITATION PLANS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection (C) of Section 133-78.3 of Chapter of the Code of the City of Albany shall be amended to read as follows:

C. The owner shall submit a vacant building plan which must meet the approval of the Enforcement Officer. The plan, at a minimum, must contain information from one of the following three choices for the property:

(1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition and the proposed time frame for any necessary permitting through the City.

(2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided in § 133-68, if applicable, along with the procedure that will be used to monitor and maintain the property in accordance with Article XI, and a statement of the reasons why the building will be left vacant.

(3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days, unless the Enforcement Officer grants an extension upon

receipt of a written statement from the owner detailing the reasons for the extension. If no building permit has been applied for within the 365 days, the Enforcement Officer will send written notification to the owner of the lack of compliance with § 133-78.3C. The owner will be required to file an extension with a revised rehabilitation plan and reasons for noncompliance. Failure to respond may result in prosecution as prescribed in § 133-80. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured in accordance with § 133-68, if applicable, during the rehabilitation. The City will conduct a visual inspection of the property to verify that good faith progress is being made on the plan prior to approval for an extension.

- a. All approvals for extension will be signed by an authorized representative of the City and kept on file for public access;
- b. All extensions will be subject to approval by the Common Council and incorporated into the quarterly report submitted to the common council.

Section 2. Subsection (I) of Section 133-78.3 of Chapter of the Code of the City of Albany shall be amended to read as follows:

I. Vacant building fees.

(1) The owner of a vacant building shall pay an annual fee as set forth in Subsection I(2) for the period the building remains a vacant building. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the City in monitoring and inspecting the vacant building site. Vacant building registration fees will not be accepted until an application is complete.

(2) The first-year annual fee shall be \$250 and shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in § 133-80. If a plan is extended beyond 365 days, subsequent annual fees, except as provided in paragraph (5) below, shall be paid as follows:

- (a) For the second year that the building remains vacant: \$500;
- (b) For the third year that the building remains vacant: \$1,000;
- (c) For the fourth year that the building remains vacant: \$1,500; and
- (d) For the fifth, and each succeeding year that the building remains vacant: \$2,000.

(3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. The fee shall be prorated, and a refund may be issued if the building is no longer deemed vacant under the provisions of this article within 180 days of its registry.

(4) ~~All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. The seller of any vacant building within the City of Albany shall, at the time of closing, pay any and all past due vacant building registration fees associated with said building that is being sold. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date. The purchaser/buyer of any vacant building within the City of Albany shall, at the time of closing, file a new and complete vacant building registration form. The purchaser shall also pay to the City of Albany, at the time of closing, the fees associated with registering such vacant building and comply with the registration requirement listed above.~~

(5) When a plan for rehabilitation has been submitted pursuant to paragraph (C)(3) of this section and such plan has been extended by approval of the Common Council, the annual fee will not increase for the second and third year above the fee charged for the first year.

Section 3. Subsection (K) of Section 133-78.3 of Chapter of the Code of the City of Albany shall be amended to read as follows:

Matter in ~~strikethrough~~ to be deleted. Matter underlined is new material.

~~K. The purchaser/buyer of any vacant building within the City of Albany shall, at the time of closing, file a new and complete vacant building registration form. The purchaser shall also pay to the City of Albany, at the time of closing, the fees associated with registering such vacant building.~~

Section 4. Subsection (L) of Section 133-78.3 of Chapter of the Code of the City of Albany shall be amended to read as follows:

~~L. The seller of any vacant building within the City of Albany shall, at the time of closing, pay any and all past due vacant building registration fees associated with said building that is being sold.~~

Section 5. This ordinance shall take effect immediately.

Council Member Commisso withdrew ORDINANCE NUMBER 27.41.14.

The remaining ordinances on the agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Herring introduced RESOLUTION NUMBER 68.62.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL APPOINTING LORI M. QUILLEN AS A MEMBER OF THE SUSTAINABILITY ADVISORY COMMITTEE

NOW, THEREFORE, BE IT RESOLVED, that Lori M. Quillen is hereby appointed as a member of the Sustainability Advisory Committee for a term expiring June 30, 2015.

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

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof: Affirmative –Applyrs, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Resolution Number 68.62.14R was co-sponsored by Council Members Applyrs, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn Golby, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

Council Member Herring introduced RESOLUTION NUMBER 69.62.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL APPOINTING PETER SHEEHAN AS A

MEMBER OF THE SUSTAINABILITY ADVISORY COMMITTEE

NOW, THEREFORE, BE IT RESOLVED, that Peter Sheehan is hereby appointed as a member of the Sustainability Advisory Committee for a term expiring June 30, 2016.

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

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof: Affirmative –Applyrs, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Resolution Number 69.62.14R was co-sponsored by Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn Golby, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

Council Member Herring introduced RESOLUTION NUMBER 70.62.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL APPOINTING AMANDA MANSFIELD AS A MEMBER OF THE SUSTAINABILITY ADVISORY COMMITTEE

NOW, THEREFORE, BE IT RESOLVED, that Amanda Mansfield is hereby appointed as a member of the Sustainability Advisory Committee for a term expiring June 30, 2016.

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

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof: Affirmative –Applyrs, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Resolution Number 70.62.14R was co-sponsored by Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn Golby, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

Council Member Herring introduced the RESOLUTION NUMBER 71.62.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL APPOINTING JILLIAN D. KASOW AS A MEMBER OF THE SUSTAINABILITY ADVISORY COMMITTEE

NOW, THEREFORE, BE IT RESOLVED, that Jillian D. Kasow is hereby appointed as a member of the Sustainability Advisory Committee for a term expiring June 30, 2017.

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

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof: Affirmative –Applyrs, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Resolution Number 71.62.14R was co-sponsored by Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn Golby, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Council Member Herring introduced RESOLUTION NUMBER 72.62.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL APPOINTING YUSUF BURGESS AS A MEMBER OF THE SUSTAINABILITY ADVISORY COMMITTEE

NOW, THEREFORE, BE IT RESOLVED, that Yusuf Burgess is hereby appointed as a member of the Sustainability Advisory Committee for a term expiring June 30, 2017.

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

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof: Affirmative –Applyrs, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Resolution Number 72.62.14R was co-sponsored by Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn Golby, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Council Member Krasher introduced RESOLUTION NUMBER 73.62.14R, which was held:

RESOLUTION OF THE COMMON COUNCIL OPPOSING CASINOS IN THE CAPITAL REGION

WHEREAS, each application for a casino license must be accompanied by a resolution of support from impacted municipalities; and

WHEREAS, while it is not anticipated at this time that the casino proposed as "E23" in the City of Albany will be developed, the adjoining county of Rennselaer has two potential casino sites which would impact the City of Albany due to their proximity; and

WHEREAS, the City of Albany Common Council learned much about casinos and their impact on host and adjoining communities during its deliberations and meetings with experts and the community and there are serious concerns about gambling addiction and its threat to families and children and the negative impacts on downtowns and other city centers; and

WHEREAS, State Comptroller Dinapoli cautioned against relying on casinos as an economic development tool and relying on the inflated revenue estimates.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council is opposed to the siting of a casino in the City of Rennselaer as well as to other casino proposals within the Capital Region as they would have a negative impact of the City of Albany.

BE IT FURTHER RESOLVED, that there be a regional dialogue on sustainable economic development to serve all our communities for the long term and that the City immediately begin identifying other economic development opportunities that would provide jobs at the “E23” site that would benefit a larger number of people.

Council Member Commisso introduced RESOLUTION NUMBER 74.62.14R, asked for passage and a roll call vote thereon:

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE DECREASE IN SALARY OF THE POSITION OF DEPUTY MAYOR IN THE OFFICE OF THE MAYOR

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Office of the Mayor require a decrease in salary for the position of Deputy Mayor.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council consents to the decrease in salary for the position of Deputy Mayor within the Office of the Mayor.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof: Affirmative –Applyrs, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Applyrs withdrew RESOLUTION NUMBER 29. 41.14R.

Council Member Herring introduced RESOLUTION NUMBER 64.61.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF SARAH REGINELLI AS A MEMBER OF THE BOARD OF THE ALBANY CONVENTION CENTER AUTHORITY

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Section 2675-d of Title 28-BB of Article 8 of the New York State Public Authorities Law, appointed Sarah Reginelli as a member of the board of the Albany Convention Center Authority.

NOW, THEREFORE, BE IT RESOLVED, that Sarah Reginelli be confirmed as a member of the board of the Albany Convention Center Authority.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof: Affirmative –Applyrs, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Kornegay, moved to amend RESOLUTION NUMBER 42.52.14R and as amended asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU OF TAXES (PILOT) AGREEMENT WITH HISTORIC PASTURES MANSIONS HOUSING DEVELOPMENT FUND COMPANY, INC. AND HISTORIC PASTURES MANSIONS, LLC

WHEREAS, Historic Pastures Mansions Housing Development Fund Company, Inc. (the “HDFC”) is a not-for-profit corporation established pursuant to Section 402 of the New York State Not-For-Profit Corporation Law and Article XI of the New York State Private Housing Finance Law (“PHFL”); and

WHEREAS, the HDFC has been organized exclusively for the charitable purpose of providing housing accommodations to persons and families of low income; and

WHEREAS, Liberty Affordable Housing Inc., a 501(c)(3) not-for-profit corporation is the sole member of the HDFC and is the sole member of Liberty CNY Housing, LLC, the managing member of Historic Mansions Pastures, LLC (the “Company”); and

WHEREAS, the Company’s and the HDFC’s plan for the use of the properties, which are more particularly identified in Exhibit A, attached hereto and made part hereof, consists of the redevelopment of approximately two-hundred forty six (~~[243]~~ 246) residential rental units in eighty-eight (~~[87]~~ 88) buildings for persons and families of low-income, constitutes a “housing project” as that term is defined in Section 572 of the PHFL (the “Project”) and will be located and situated in the City and County of Albany, State of New York (the “Property”); and

WHEREAS, the HDFC is the nominal fee owner of the Property; and

WHEREAS, the HDFC has or will acquire fee title to the Property, as nominee for the Company, and has or will convey its equitable and beneficial interests in the Property to the Company in furtherance of the development of the Project; and

WHEREAS, the HDFC is organized as a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the Common Council may exempt a project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project for a period of up to ~~[forty (40)]~~ thirty-two (32) years.

NOW, THEREFORE BE IT RESOLVED, that the Property and the Project shall be exempt from real property taxes to the extent described in Section 577 of the PHFL for a period of ~~[forty (40)]~~ thirty-two (32) years, including city, county and school taxes, other than assessments for local approvals, and that the Mayor be and is hereby authorized and empowered to execute and enter into a PILOT agreement with the Company and the HDFC in a form approved by the Corporation Counsel, together with such other and further forms, documents and agreements necessary to amend, renew, supplement or effectuate the same.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby exempts the Project and the properties, which are more particularly identified in Exhibit A, attached hereto and made part hereof, from real property taxes to the extent authorized by Section 577 of the PHFL and approves the proposed PILOT Agreement by and among the City of Albany, the Company and the HDFC, in substantially the form attached hereto, providing for annual payments as set forth in such agreement.

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

The resolution passed by the following vote of all the Council Members elected voting in favor thereof: Affirmative –Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

The remaining resolutions on the pending agenda were held at the request of President Pro Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

NONE

ADJOURNMENT

Council President McLaughlin stated, hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of June 16th, 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL