

**ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING**

Monday, July 1, 2013

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 Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith.

Also present were the following staff: Cashawna Parker, Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member Sano led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Speed Limit/Speeding);
2. John Wolcott, 344 Sheridan Avenue, Albany, NY (Archeological site on the South End);
3. Andres Rivera, 20 Corlear Street, Albany, NY (Public Safety);

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

CONSIDERATION OF LOCAL LAWS

Council Member Golby moved to amend LOCAL LAW B-2013 (A LOCAL LAW REPEALING PART 8 (CONSERVATION ADVISORY COMMISSION) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY AND CREATING A SUSTAINABILITY ADVISORY COMMITTEE) and as amended requested it remained held.

A LOCAL LAW REPEALING PART 8 (CONSERVATION ADVISORY COMMISSION) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY AND CREATING A SUSTAINABILITY ADVISORY COMMITTEE

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Part 8 of Chapter 42 of the Code of the City of Albany is hereby amended by repealing it in its entirety.

Section 2. A new Part 8 of Chapter 42 of the Code of the City of Albany is hereby added to read as follows:

Part 8
Sustainability Advisory Committee

Article XVIII
General Provisions

§42-132. Legislative Intent.

The City of Albany by Resolution 51.52.09R and Executive Order No. 422-09 has pledged to combat climate change and take action to adopt more sustainable practices by becoming a “Climate Smart Community.” The City of Albany Common Council believes that the social, economic, and environmental aspects of sustainability are key to the successful implementation of the Albany 2030 Plan. Additionally, the City of Albany Common Council believes that there is overwhelming scientific consensus that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels. The effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms and food systems, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens. Reducing greenhouse gas emissions and increasing our community’s resiliency will require sustained and substantial efforts by all levels of government, interest groups, and citizens. Establishment of a Sustainability Advisory Committee is a necessary step in fostering unified action on climate change.

§42-133. Establishment; Appointment of Members.

- A. There is hereby established a Sustainability Advisory Committee comprised of fifteen voting members, five of whom shall be appointed by the Mayor and five of whom shall be appointed by the Common Council. The remaining members of the Committee shall be composed of the following: the Commissioner of the Department of General Service, the Commissioner of Development and Planning, the Commissioner of the Water Department, the City Engineer, and the head of the Police Traffic Safety Unit, or their designees.
- B. The members appointed by the Mayor and Common Council shall be appointed for three-year terms; provided, however, that, members initially appointed by the Mayor and Common Council, one shall be for a term of one year, two shall be for a term of two years, and two shall be for a term of three years.
- C. Members shall continue to serve on the Committee until their successors have been appointed.
- D. Annually, from among its membership, the Committee shall elect a Chair and such other officers as determined.
- E. Any vacancy occasioned by resignation, death or removal of a member shall be filled promptly in the same manner as the predecessor to fill the unexpired term.
- F. The Committee shall have the authority to create sub-committees to focus on specific topics including, but not limited to: Energy, Equity, Transportation, Water, Waste, and Food Systems. Membership on the sub-committees shall be open to the general public at the discretion of the Committee.

§42-134. Qualifications of Members.

The members of the Committee appointed by the Mayor and Common Council shall reside in the City of Albany and possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and the environment. The Mayor and the Common Council shall reflect community diversity in their appointments, including, but not limited to, income level, race, religion, ethnicity, age, gender and sexual orientation.

§42-135. Meeting and Staff.

The Committee shall meet no less than six times per year and shall establish a regular meeting calendar which is readily accessible to the public. Meetings of the Committee shall be public and comply with provisions of the Open Meetings Law. The Mayor's Office of Sustainability as staffed by the Division of Planning shall serve as staff to the Committee.

§42-136. Powers and Duties.

A. The Committee shall have the following functions, powers and duties to:

- (1) Study and recommend methods to reduce greenhouse gas emissions, increase energy efficiency, and renewable energy production, conserve water, reduce waste, and employ environmentally-responsible products;
- (2) Promote the use of methods, systems, and materials that do not deplete natural land, water, and energy resources or harm natural cycles;
- (3) Encourage the growth of green businesses and green jobs within the city, as well as the adoption of sustainable practices by existing businesses;
- (4) Work cooperatively with similar task forces in neighboring communities to ensure that efforts complement and reinforce one another;
- (5) Empower every resident of the city, regardless of social demographics or economic means, by informing city residents of practical and attainable ways to live sustainably;
- (6) Consider ways for large academic, governmental, or institutional communities to become more environmentally sensitive;
- (7) Encourage and stimulate City of Albany agencies and departments to take such action as will fulfill the purposes of this part;
- (8) Make recommendations as necessary and appropriate to the Mayor and the Common Council to effectuate the goals and purposes of this part.
- (9) Assist with the implementation and monitoring of the Climate Action and Adaptation Plans, as well as the Capital Region Sustainability Plan.

§42-137. Reports.

The Committee shall file an annual report in June of each year with the Common Council and the Mayor summarizing the work and activities of the Committee.

Section 3. This local law shall take effect upon final passage, public hearing, and filing with the Secretary of State.

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

REPORTS OF STANDING COMMITTEES

NONE

CONSIDERATION OF ORDINANCES

Council Member Conti introduced ORDINANCE NUMBER 38.71.13, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 221 AND 230 JEFFERSON STREET AND REAR 8 DELAWARE AVENUE FROM ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) TO NEIGHBORHOOD-COMMERCIAL DISTRICT (C-1) AND AMENDING THE ZONING MAP ACCORDINGLY

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

Section 1. Chapter 375 of the Code of the City of Albany (Zoning) and the Official Zoning Map are hereby amended to change the zoning classification of the properties located at 221 and 330 Jefferson Street and Rear 8 Delaware Avenue from One- and Two-Family Row House Residential District (R-2C) to Neighborhood-Commercial District (C-1), said properties being more particularly described as follows:

All that parcel of land situated in the City of Albany, County of Albany and State of New York, identified on the tax map as follows:

Parcel 1
Section: 76.31
Block: 3
Lot: 39

Said premises more commonly known as 221 Jefferson Street measuring 58.82' by 70.00'

Parcel 2
Section: 76.31
Block: 3
Lot: 47

Said premises more commonly known as 230 Jefferson Street measuring 21.96' by 58.00'

Parcel 3
Section: 76.31
Block: 3
Lot: 43

Said premises more commonly known as the former Rear 8 Delaware Avenue, now merged with 8 Delaware Avenue, measuring approximately 19.00' by 66.00'

Section 2. The Council finds and declares that this action is an "Unlisted" action under Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and directs that coordinated review be conducted for the determination and establishment of Lead Agency.

Section 3. This Ordinance shall take effect immediately.

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

CONSIDERATION OF RESOLUTIONS

Council Member Conti offered RESOLUTION NUMBER 42.71.13R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL DESIGNATING THE NEW YORK SECRETARY OF STATE AS AN AGENT FOR SERVICE OF NOTICES OF CLAIMS AGAINST THE CITY OF ALBANY AND DESIGNATING THE CORPORATION COUNSEL AS THE OFFICER WHO MAY ACCEPT NOTICES OF CLAIMS SENT BY THE NEW YORK DEPARTMENT OF STATE TO SAID CITY

RESOLVED, that pursuant General Municipal Law Section 53 the Common Council of the City of Albany hereby designates the New York Secretary of State as an agent for service of notice of claims against the City of Albany.

RESOLVED, that the Common Council designates the Corporation Counsel for the City of Albany as the officer for whom service will be effected on by the New York Department of State.

RESOLVED, that claimants may continue to serve notice of claims against the City of Albany directly and call attention to the fact that the 90 day time limit for filing a notice of claim pursuant to General Municipal Law Section 50-e remains.

The resolution passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Igoe offered RESOLUTION NUMBER 43.71.13R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING SENATE BILL NO. 122/ASSEMBLY BILL NO. 3757 ELEVATING AN INTENTIONAL ASSAULT UPON A SCHOOL CROSSING GUARD TO A CLASS D FELONY OF ASSAULT IN THE SECOND DEGREE

WHEREAS, school crossing guards are charged with the responsibility of ensuring the safety of our school children in the City of Albany and across the State of New York; and

WHEREAS, their duties often times subject them to verbal and physical threats and sometimes violence from both pedestrians and vehicles, which are oftentimes not reported; and

WHEREAS, such acts against crossing guards also endanger the very children they are protecting; and

WHEREAS, Senate Bill No. 122 and Assembly Bill No. 3757 proposes to elevate the intentional assault upon a school crossing guard to a Class D felony of assault in the second degree.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany supports Senate Bill No. 122 and Assembly Bill No. 3757 elevating the intentional assault upon a school crossing guard to a Class D felony of assault in the second degree.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Majority Leader Dean Skelos, Senator Neil Breslin, Speaker Sheldon Silver and Assembly Members John McDonald and Patricia Fahy

The resolution passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Resolution Number 43.71.13R was co-sponsored by Council Members, Konev, Sano and Smith.

Council Member Herring offered RESOLUTION NUMBER 44.71.13R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL APPOINTING LEE ECK AS A MEMBER OF THE CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY AND THE CAPITAL RESOURCE CORPORATION

WHEREAS, pursuant to the provisions of Sections 856 and 903-a of the General Municipal Law the Common Council of the City of Albany has the authority to appoint members of the Industrial Development Agency and the Capital Resource Corporation.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany, duly convened does hereby appoint Lee Eck as a member of the City of Albany Industrial Development Agency and the Capital Resource Corporation.

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

The resolution passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Resolution Number 44.71.13R was co-sponsored by Council Members Fahey, Golby, Konev, Sano and Smith.

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority Leader Herring offered the following, which was adopted by unanimous voice vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2014, AND WAIVE THE READING OF THE NAMES:

1. Sophia Abbasi, 10 Lake Shore Drive Apt 1B Watervliet, NY 12189
2. Erin Engstrom, 232 Ridgefield Street Albany, NY 12208
3. Leif Engstrom 232 Ridgefield Street Albany, NY 12208

Council Member Freeman stated that he met with Bill Trudeau of the Division of Traffic Safety and received a detailed report on the progress of the requested signage and crosswalks on South Pearl Street. He discussed rain and weather being a factor. Speed limit and children at play signs have been installed. He stated that paving for crosswalks is set up in the 600 block of South Pearl Street and an additional crosswalk a little further down the block. He also discussed that a yield to pedestrian sign will be posted. He discussed that Mayor Jennings is working on funding for a traffic light and a crossing guard to be in place where the children get dropped off the bus from school.

ADJOURNMENT

President Pro Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of July 1st, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL