

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

**Monday, March 16, 2009**

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

The roll being called, the following answered to their names: Council Members Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons.

Also present was the following staff: John Marsolais, Patrick Jordan, and Barbara Samel.

Council Member Igoe led the Pledge of Allegiance.

**Council Member Conti made a motion to change the order of business in order to consider Resolution Number 34.32.09R, which was approved by unanimous voice vote.**

Council Members Sano, Calsolaro and co-sponsors Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Scalzo, Smith and Timmons, offered the following, asked for passage and roll call vote thereon:

**Resolution Number 34.32.09R**

**RESOLUTION CONGRATULATING THE ALBANY METRO MALLERS  
ON WINNING THE 2008 CONSENSUS NATIONAL CHAMPIONSHIP**

**WHEREAS**, on January 17<sup>th</sup>, 2009, the Albany Metro Mallers captured the 2008 Consensus National Championship of minor league football after defeating the Prince William Monarchs of Virginia (33-8) at the USFA/MLFN National Championship game in Deland, Florida. The Mallers finished the season at 16-3; and

**WHEREAS**, the Mallers won their league title, the Northeastern Football Alliance and the regional tournament, Harvest Bowl XII, on the way to the national title. The NFA encompasses twelve teams from across New York State, from Albany and Troy to Syracuse, Rochester and Buffalo. The Harvest Bowl involves teams from the northeast region of the United States. During the Mallers playoff run, they defeated teams from Troy, Lyndonville NY, Syracuse, Brooklyn, Milford CT and Prince William County VA; and

**WHEREAS**, the Metro Mallers are a minor league, or adult amateur football team located here in Albany, NY. The team draws its lineage in the Capital Region back to 1972. The term Maller paid homage to those workers who were involved in construction of the Nelson A. Rockefeller Empire State Plaza, or as it was known in those days, the South Mall; and

**WHEREAS**, the Mallers are staffed by local residents. The Mallers current owner, Frank Rogers, also owns All-American Sports and Recreation, the premiere organization for flag football and recreational softball in the area. General Manager Sharon Barbagallo is a long-time Schenectady resident. Head Coach Chris Brown is a local businessman who was a star athlete at Linton High School in Schenectady and a long-time minor league player. Assistant Coach and Director of Communications Steve Trotter has been involved with local professional sports for almost 15 years now, including arena football, indoor lacrosse and women's full contact football; and

**WHEREAS**, Metro Maller players are mostly local products. Either by birth or relocation, these men call the Capital Region home - Albany, Schenectady, Troy, East Greenbush, Clifton Park, Colonie, Glens Falls, Oneonta, Saratoga, Greenville and Middleburgh. The Maller name is well known throughout the country and allows us to have exceptional players come to us from the entire northeast region. It shows the level of commitment for someone to travel 10 miles or 150 miles to participate in a game that they don't get paid for.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Albany Common Council extends its congratulations to the 2008 Consensus National Champions - The Albany Metro Mallers.

*Note: There was discussion from Council Member Calsolaro regarding watching them practice and looking like they're enjoying themselves. There was discussion from Council Member Sano regarding his watching the team and congratulating them on their accomplishment.*

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

**PUBLIC COMMENT PERIOD**

1. Timothy L. Carney, 277 Delaware Avenue, Albany, NY 12209 (Reduction in number of Wards)
2. Evelyn Hines, 220 Green Street, Albany, NY 12202 (Summer Youth Program)
3. Jamil Hood, 767 Broad Street, Albany, NY 12202 (Summer Youth Program)
4. Sophia Jones, 137 Elk Street, Albany, NY 12206 (Summer Youth Program)
5. Barbara Smith, 268 First Street, Albany, NY 12206 (Summer Youth Program)
6. Leonard Morgenbesser, 219 Tampa Avenue, Albany, NY 12208 (Stimulus Funds for Public Safety)
7. Jose M. Lopez, Jr., 40-B View Avenue, Albany, NY 12209 (Various Issues)
8. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (Various Issues)
9. Vincent Riguso, 13 Beach Avenue, Albany, NY 12203 (Various Issues)

There being no further speakers, the President declared the Public Comment Period closed.

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

DEFERRED

**CONSIDERATION OF LOCAL LAWS**

Council Member Conti introduced the following, which was referred to the Council Operations Committee:

**LOCAL LAW B - 2009**

**A LOCAL LAW AMENDING ARTICLE 2 (ELECTIVE OFFICERS) AND ARTICLE 4 (LEGISLATIVE BRANCH) OF THE CHARTER OF THE CITY OF ALBANY IN RELATION TO RESTRUCTURING THE COMMON COUNCIL**

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

**Section 1. Findings and Intent.** The Common Council finds that the size of Albany's legislative body is larger than that of neighboring municipalities and cities of comparable size. The Common Council further finds that a smaller body would be more cohesive and serve as a stronger check and balance to the executive branch of government. The Common Council also finds that it lacks adequate resources to support its role as the policy making body of government. The intention of this local law is to restructure the Common Council in a way that it will still be representative of the diversity within the City of Albany, yet by making it a smaller body strengthen its ability to serve as a check and balance on the executive branch and to reinvest a portion of savings through restructuring into providing additional resources for the Common Council. The Common Council further finds that the duties and responsibilities of a separately elected President of the Common

Council are better exercised by a member of the Common Council elected by Council Members. This will strengthen the position of President of the Common Council as an office which is representative of the Council.

**Section 2. Article 2 Section 201 of the Charter of the City of Albany shall be amended as follows:**

**SECTION 201. Elective Officers; Terms.**

Except where otherwise stated in this Charter, there shall be elected by the qualified voters of the City: a Mayor, Comptroller, and Treasurer~~[, and President of the Common Council]~~. There shall also be elected by the qualified voters of each ward in the City: one Common Council member to represent each ward. The term of office of the Mayor, Comptroller, Treasurer~~[, President of the Common Council]~~ and each "Council Member" shall be four years commencing on the first day of January next succeeding his or her election. Effective January 1, 2010, the office of Comptroller shall be eliminated, and a new office of Audit and Control, headed by a Chief City Auditor, shall be established as set forth in Article 6 of this Charter. The term of office of the Chief City Auditor shall be four years commencing on the first day of January next succeeding his or her election. The first election of Chief City Auditor shall be at the general election held in November, 2009.

**Section 3. Article 2 Section 202 of the Charter of the City of Albany shall be amended as follows:**

**SECTION 202. Continuous Terms.**

Except where otherwise stated in this Charter, the regular election of the Mayor, Comptroller, Treasurer~~[, President of the Common Council]~~ and each "Council Member" shall be held every four years; existing terms shall continue uninterrupted by this Charter.

**Section 4. Article 4 Section 402 of the Charter of the City of Albany shall be amended as follows:**

**SECTION 402. Members.**

The Common Council shall be an elective body comprised of [~~a President of the Common Council and not more than~~] one "Council Member" duly elected from each ward within the City. Each "Council Member" shall be a resident of the ward from which he or she is elected. There shall not be more than [~~15~~] nine wards within the City.

**Section 5. Article 4 Section 403 of the Charter of the City of Albany shall be amended as follows:**

**SECTION 403. President of the Common Council.**

The President of the Common Council shall be elected [~~in the City at large,~~] by majority vote of the Common Council at the organizational meeting held in January succeeding the general election of members and shall succeed the Mayor in the event of death, resignation, absence or disability as set forth in the General City Law; except that the powers and duties of the Office of the Mayor shall not devolve upon the President of the Common Council during a limited period of either absence of the Mayor from the City or inability of the Mayor to perform his or her powers and duties. The President shall preside over the meetings of the Common Council and perform such other functions as set forth in Second Class Cities Law.

**Section 6. Notwithstanding any inconsistent provision of law, of funds appropriated in the City of Albany adopted budget for the fiscal year immediately preceding the effective date of this local law related to personal services expenditures for six members of the Common Council and the President of the Common Council shall be allocated in the subsequent fiscal year budget as follows: thirty percent as a personal services expenditure related to personnel; and, eighteen percent as a proportionate adjustment to the base personal services expenditure for the nine members of the Common Council to take office in**

such fiscal year. Appropriate adjustments shall be further made to reflect allocations for employee benefits.

**Section 7.** Except as herein amended, the Charter of the City of Albany as adopted on November 3, 1998 is hereby ratified, continued, and approved.

**Section 8.** This local law, to the extent inconsistent, supersedes the New York State Second Class Cities Law.

**Section 9.** This local law shall take effect upon final passage, public hearing and approval of the electors at a general election of state or local government officers held not less than sixty days after the adoption of this local law. It shall apply to the election of the City of Albany Common Council held in November 2013.

*\*Note: There was discussion from Council Member Conti regarding his reason for drafting this legislation. He stated this would reduce the number of members, while strengthening the body as a whole.*

Council Member Conti made a motion to hold the Local Laws on the pending agenda, which was approved by unanimous voice vote.

### **REPORTS OF STANDING COMMITTEES**

**Finance, Taxation and Assessment** – Council Member Sano stated the committee met on March 12, 2009 to discuss DGS and APD bonding ordinances. He stated that representatives from APD were not present and therefore those ordinances are being held. All others were passed out of Committee favorably except two Ordinances.

**Housing and Community Development** – Council Member McLaughlin stated that the Committee would be meeting on March 19, 2009 regarding CDBG funding.

### **REPORTS OF AD HOC COMMITTEES**

**Ad Hoc Committee on Cable Access** - Council Member Rosenzweig stated that the Committee would be meeting on March 26, 2009 to get an update from Corporation Counsel on the status of negotiations with Time Warner Cable.

### **CONSIDERATION OF ORDINANCES**

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

#### **Ordinance Number 32.32.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$80,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$80,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ONE-TON FLIPPER TRUCKS)**

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law

pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Motor Vehicles  
Local Finance Law Section 11.00(a) Subparagraph 29  
Period of Probable Usefulness: 5 years  
Maximum Term of Obligations: 5 years  
Maximum Estimated Cost: \$80,000.00  
Maximum Amount of Bonds: \$80,000.00  
Comptroller's Bond Authorization Numbers: K-09  
Comptroller's Project Numbers: GH 81609912

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$80,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such leases or bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such leases or bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such leases or bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City comptroller, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of Local Finance Law.

Section 7. The City Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the leases or bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Comptroller is further authorized to enter into a continuing disclosure agreement with the initial issuer of the leases or the purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such leases or bonds and bond anticipation notes may be contested only if:

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

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

Section 12. This ordinance shall be dated March 16, 2009 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Council Member Conti asked for passage of ORDINANCE NUMBER 64.101.08 (AN ORDINANCE AMENDING ARTICLE XIII (SUPPLEMENTARY LOT, HEIGHT AND YARD REGULATIONS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE INITIATION OF A COMPLAINT TO TERMINATE A NONCONFORMING USE WHICH IS CONSIDERED A GENERAL NUISANCE, which had been previously introduced.

*Ordinance Number 64.101.08 was Co-Sponsored by Council Members Casey, Ellis, Fahey, Fox, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons.*

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 28.31.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$3,500,000.00 AND AUTHORIZING THE ISSUANCE OF \$3,500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (DELAWARE AVENUE RECONSTRUCTION)), which had been previously introduced.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 29.31.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,900,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,900,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PEDESTRIAN BRIDGE)), which had been

previously introduced.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 30.31.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$900,000.00 AND AUTHORIZING THE ISSUANCE OF \$900,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CENTRAL AVENUE RECONSTRUCTION), which had been previously introduced.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 31.31.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$3,500,000.00 AND AUTHORIZING THE ISSUANCE OF \$3,500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET REHABILITATION), which had been previously introduced

*Ordinance Number 31.31.09 was Co-Sponsored by Council Members Calsolaro, Conti and Fahey.*

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

**The remaining ordinances on the pending agenda were held at the request of Council Member Conti.**

**CONSIDERATION OF RESOLUTIONS**

Council Members Fahey, Calsolaro and Conti offered the following, asked for passage and a roll call vote thereon:

**Resolution Number 32.32.09R**

**AUTHORIZING THE IMPLEMENTATION AND FUNDING OF THE DELAWARE AVENUE ROAD RECONSTRUCTION ECONOMIC RECOVERY PROJECT(S), CALLING FOR 100% FEDERAL-AID UNDER TITLE 23 U.S. CODE AND APPROPRIATING FUNDS THEREFOR**

**WHEREAS**, the Delaware Avenue Road Reconstruction Economic Recovery Project(s) (hereinafter the "the Projects") in the City of Albany, in Albany County, is (are) eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

**NOW, THEREFORE**, the City of Albany Common Council duly convened does hereby:

**RESOLVE**, that the Common Council hereby approves the above Projects; and it is hereby further

**RESOLVED**, that the Common Council agrees to advance the Projects through the City of Albany's resources and agrees that the Common Council hereby authorizes the City of Albany to pay in the first instance the full federal costs and full non-federal costs of any and all phase(s) or portions thereof and hereby appropriates from Ordinance Nos. 12.21.06, 17.22.08, 2.12.09 and 28.31.09 the funds necessary to complete the Project(s) including all phase(s) or portions thereof; and it is further

**RESOLVED**, that the City of Albany makes a 100% commitment of the non-federal share (if any) of the costs of Construction/Construction Inspection phase(s) of work for the Project(s) or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter "NYSDOT") pursuant to the State/Local Agreement; and it is hereby further

**RESOLVED**, that the sum of \$12,760,000.00 (Twelve million seven hundred sixty thousand dollars and no cents) is hereby appropriated from Ordinance Nos. 12.21.06, 17.22.08, 2.12.09 and 28.31.09 and made available to cover the cost of participation in the above phase(s) of the Project(s); and hereby appropriates from Ordinance Nos. 12.21.06, 17.22.08, 2.12.09 and 28.31.09 the funds necessary to complete the Project(s) including all phase(s) or portions thereof; and it is further

**RESOLVED**, that upon completion of construction of the Projects, or a fully usable portion thereof, the City of Albany agrees to maintain the Project(s), or fully usable portion thereof, at their sole cost and expense; and it is hereby further

**RESOLVED**, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Common Council shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

**RESOLVED**, that the Mayor of the City of Albany is hereby authorized to execute all necessary Agreements or certifications on behalf of the City of Albany, (subject to the Corporation Counsel's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Projects identified in the State/Local Agreement; and providing for the administration of the Projects and the City's first instance funding of the non-federal share 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 the Department of Transportation by attaching it to any necessary Agreement in connection with the Project(s); and it is further

**RESOLVED**, this Resolution shall take effect immediately.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

Council Members Ellis and Smith offered the following, asked for passage and a roll call vote thereon:

**Resolution Number 33.32.09R**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE STATE MULTI-MODAL PROGRAM-AID AND STATE ADMINISTERED FEDERAL PROGRAM-AID ELIGIBLE COSTS, OF A CAPITAL PROJECT AND APPROPRIATING FUNDS THEREFOR (P.I.N. 1ME019.30A)**

**WHEREAS**, a Project for the State Street Rehabilitation, City of Albany, P.I.N 1ME019.30A (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, and New York State's Multi-Modal Program administered by the NYS Department of Transportation ("NYSDOT"); and

**WHEREAS**, the City of Albany desires to advance the above project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

**NOW, THEREFORE**, the Common Council, duly convened does hereby

**RESOLVED**, that the Common Council hereby approves the above-subject project; and it is hereby further

**RESOLVED**, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Construction work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$5,200,000.00 (Five million two hundred thousand dollars and no cents) is appropriated from Ordinance No. 19.22.09 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 Common Council of the City of Albany 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**, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the City of Albany with NYSDOT 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 all Project costs 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.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 2.11.09R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF G. MICHAEL APOSTOL AS A MEMBER OF THE BOARD OF ZONING APPEALS), which had been previously introduced.

*Resolution 2.11.09R was Co-Sponsored by Council Member Fox.*

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Present -- Conti

Affirmative 14 Negative 0 Abstain 0 Present 1

Council Member Herring asked for passage of RESOLUTION NUMBER 3.11.09R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF SARI O'CONNOR AS A MEMBER OF THE BOARD OF ZONING APPEALS), which had been previously introduced.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Present -- Conti

Affirmative 14 Negative 0 Abstain 0 Present 1

Council Member Herring asked for passage of RESOLUTION NUMBER 8.11.09R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF LEE PINCKNEY AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION), which had been previously introduced.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

**The remaining resolutions on the pending agenda were held at the request of Council Member Conti.**

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Council Member Calsolaro stated that he wanted to give thanks to Council Member Smith for her efforts with working with Senator Malcolm Smith's office on Project Cease Fire. He thanked citizens and discussed hopefully finding the funding for the program. He discussed reaching out to the Commissioner of Youth and Workforce Services to get input on supervisors for the youth employment program and setting up a committee meeting for that discussion

Council Member Conti reminded members that there would be a meeting of the Committee of the Whole on the parking ticket investigation the following Monday to take sworn testimony. He stated there would be continued follow-up with departments on outstanding information. He asked that Members forward any additional questions for witnesses to Ms. Samel. He stated there would be another meeting of the Committee on March 30, 2009, and that invitation letters had gone out to Chief Tuffey, Betty Barnette and Jim Van Appledorn for that hearing.

## **ADJOURNMENT**

A motion was made for adjournment.

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

A true record of the Common Council Minutes of March 16<sup>th</sup>, 2009.

**CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL**