

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

Monday, April 7, 2008

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, 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, Barbara Samel, and Cashawna Parker.

Council President Morris led the Pledge of Allegiance.

Council Member Conti made a motion to change the order of business to consider RESOLUTION NUMBER 33.41.08R, prior to Public Comment Period, which was approved by unanimous voice vote.

Council Members Ellis, Calsolaro, Sano, McLaughlin, Conti, Fahey, Fox, Herring, Igoe, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons introduced the following resolution, asked for passage and a roll call vote thereon:

RESOLUTION NUMBER 33.41.08R

RESOLUTION CONGRATULATING BISHOP MAGINN ON THEIR FIRST EVER BOYS' BASKETBALL STATE CHAMPIONSHIP

WHEREAS, Sunday, March 16 at the Glens Falls Civic Center, the Bishop Maginn boys' basketball team played Section VI champion Niagara Falls and won, 68-37. The victory over Niagara Falls was by the largest margin ever in the Class AA Tournament, and

WHEREAS, the previous day Bishop Maginn won by two-points (54-52) over two-year title holder and eight-time state champion Mount Vernon, and

WHEREAS, Bishop Maginn (26-2) captured the first boys' state championship by a Section II squad since Schenectady won the 2001 Class A crown, and

WHEREAS, the team earned its latest reward with a No. 24 national ranking by USA Today in its Super 25 high school teams poll and was ranked No. 1 by the NYS Sportswriters Association.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates the Bishop Maginn Boys' Basketball Team on their outstanding win in the State Championship games and for their outstanding performance this season. We commend Head Coach-Richard Hurley and Assistant Coaches Dwayne Caldwell, Leo Dolan, Orlando DiBacco, and Bill Buerhle for their energy, dedication and vision. The Common Council also congratulates the entire 2007-2008 roster of players including Lasai Banks, Billy Blake, Taran Buie, Antonio Davis, Khaliq Gross, Chris Jeffers, Thomas Jefferson, Raja Johnson, Shimeek Johnson, Bunduka Kargbo, Abdul Marjau, Savion Melton, James Torres, Terron Victoria and wishes them continued success.

**Note: There was discussion from Council Members Ellis, McLaughlin, Calsolaro, Sano and O'Brien congratulating Bishop Maginn Boys Basketball team on their hard work and recalling memories of attending the school.*

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

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

Affirmative 14 Negative 0 Abstain 0

PUBLIC COMMENT PERIOD

- 1) Melanie Trimble, NY Civil Liberties Union, 90 State Street (Citizen Police Review Board)
- 2) Anita Thayer, 196 Mt. Hope Drive, Albany, NY (Albany Police Department)
- 3) Harold Freeman, 108 Creble Road, Selkirk, NY (Police Brutality)
- 4) Betsy Mergoliano, South End, Albany, NY (Albany Police Department)
- 5) Chris Mercogliano, South End, Albany, NY (Albany Police Department)
- 6) Elise Van Allen, 327 State Street, Albany, NY (State Commission on Investigation)
- 7) Doug Bullock, 77 Benson Street, Albany, NY (Citizen Police Review Board)
- 8) Tom Scarff, 215 Jay Street, Albany, NY (Albany Police Department)
- 9) Mardi Crawford, 29 Elm Street, Albany, NY (Police Department Investigation)

Council Member Conti made a motion to extend Public Comment Period for an additional 30 minutes, which was approved by unanimous voice vote.

- 10) Susan DuBois, 24 Jeannette Street (Independent Police Investigation)
- 11) Jim Travers, Coeymans, NY (Commendations of Council Members Actions)
- 12) Andrew Buchard, 27 Forest Avenue, Albany, NY (Support State Commission Investigation)
- 13) Lynn Jackson, 223 S. Swan Street, Albany, NY (Albany Police Department)

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Council Member Conti made a motion to approve the minutes of February 21, 2008 and March 7, 2008 meetings, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

Council Member Calsolaro introduced the following, which was referred to the Public Safety Committee:

LOCAL LAW C-2008

A LOCAL LAW AMENDING ARTICLE XLIV (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE CIVILIAN POLICE REVIEW BOARD AND MULTIPLE COMPLAINTS AGAINST AN OFFICER

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

Section 1. Section 42-342 of Chapter 42 of the Code of the City of Albany is hereby amended to read as follows:

§ 42-342. Filing of complaints.

Complaints concerning police conduct shall be filed with the Police Department or submitted to the CPRB for filing with the Police Department as provided in this section. The CPRB may designate one or more locations for the submission of complaints for filing with the Police Department.

A. Complaints shall be lodged in writing using the City of Albany Police Department Citizen Complaint Form as approved by the CPRB for that purpose and shall be signed by the complainant. Complaint forms shall be printed in English and Spanish and shall be available at any City of Albany Police Department facility, the City Department of Administrative Services, the City Clerk's office and any other location designated by the CPRB.

B. A copy of each complaint submitted to the CPRB for filing with the Police Department shall be forwarded to the Police Department within two working days of its receipt; additionally, a copy of each complaint submitted to the Police Department (other than those submitted by the CPRB) shall be provided to the CPRB within two working days of receipt by the Department. Upon receiving a complaint, the CPRB shall notify the complainant of the City's mediation program established in accordance with § 42-346 of this Part 33. The Chief of Police shall notify the CPRB in writing if the officer or officers complained against have had other written complaints filed against them and the general nature and outcome of each complaint. This written notification shall be made within two weeks of receiving the complaint or receiving notice of a complaint filed with the CPRB. The section shall not require the release of the identity of the officer involved for compliance.

C. Complaints shall be filed within six months of the date of the incident giving rise to the complaint. Complaints filed after six months of the alleged misconduct shall, however, be returned, or accepted and reviewed by the CPRB upon a majority vote of its members to do so. The complainant shall be notified by the Board of the decision as to whether the complaint be returned, or accepted and reviewed.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

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

LOCAL LAW D-2008

A LOCAL LAW AMENDING CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY TO ADD A NEW EXEMPTION FOR COLD WAR VETERANS IN ACCORDANCE WITH THE PROVISIONS OF THE REAL PROPERTY TAX LAW SECTION 458-b

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

Section 1. A new Section 333-107-a of Chapter 333 of the Code of the City of Albany is added to read as follows:

Section 333-107-a. Exemption for Cold War Veterans.

A. An exemption is hereby granted to Cold War Veterans in accordance with § 458-b of the Real Property Tax Law of the State of New York. The exemption shall be as provided and administered by § 458-b.

B. Qualifying residential real property shall be exempt from taxation to the extent of either: (i) ten percent of the assessed value of such property; provided however, that such exemption shall not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate of

the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less or; (ii) fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

c. In addition to the exemption provided by paragraph (B) of this section, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after January 1, 2009.

Council Member Conti made a motion to hold the rest of 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 that the committee would be meeting on Wednesday, April 9, 2008 at 5:30PM to discuss Local Law C-2007 and the appointment of Mr. Donato to the Board of Assessment Review.

Public Safety - Council Member Scalzo stated that the committee would continue investigation of issues related to the Police Department, working with Chief Tuffey, and looked forward to the conclusion of its review.

Planning, Economic Development and Land Use – Council Member Herring stated that the committee met on March 26, 2008. The Committee favorably recommended Resolution 7.12.08R confirming the reappointment of Douglas P. Mackey to the Historic Resources Commission and Resolution 1.11.08R supporting the Harriman Campus Transportation Linkage study. He stated that the committee would continue its discussion on Ordinance 2.12.08 regarding Solar panels. The Committee also met prior to the Council caucus to discuss Resolution 26.31.08R confirming the reappointment of Christine Sisto Mertes to the Albany Parking Authority and Resolution 9.12.08R confirming the reappointment of Sean Rafferty to the Historic Resources Commission, but the appointees were not present.

Law, Buildings and Code Enforcement – Council Member Igoe stated that the committee met on March 26, 2008 prior to the Parks Committee meeting and had a favorable recommendation for Ordinance 20.31.08 on Junk Dealers and Ordinance 21.31.08 on Secondhand Dealers.

Parks, Recreation and Family Services – Council Member Calsolaro stated that the committee met on March 26, 2008 at 5:15PM to discuss after school and summer programs for youth with Faye Andrews, Commissioner of Youth and Workforce Services and John Gustin with the Department of Recreation. He stated that the teen centers are unable to stay open on weekends due to financial constraints. The committee was also informed that there was discussion on eliminating the adult supervisor positions in association with summer youth employment after this year because of budgetary issues.

General Service, Health and Environment – Council Member O'Brien stated that the committee would be meeting on Friday, April 11, 2008 at 5PM to discuss Resolution 36.41.08R confirming the appointment of Nick D'Antonio as Commissioner of the Department of General Services.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on Taxicabs – Council Member Scalzo stated that the committee would not be able to meet until next month due to scheduling issues.

CONSIDERATION OF ORDINANCES

Council Member Conti introduced the following which was held:

Ordinance Number 23.41.08

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO KNOX STREET LIMITED PARTNERSHIP OVER, UPON AND UNDER A PORTION OF THE CITY RIGHT-OF-WAYS OF KNOX STREET AND DANA AVENUE IN THE CITY OF ALBANY

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

Section 1. It is hereby authorized that the City of Albany grant a permanent easement to Knox Street Limited Partnership over, upon and under a portion of the City right-of-ways of Knox Street and Dana Avenue, adjacent to 137 Knox Street, in the City of Albany.

Section 2. The form, content, terms and conditions of such easement shall be approved by the Corporation Counsel.

Section 3. The Grantees shall not hinder, interfere with, prevent, delay, obstruct or adversely affect the Grantor in the reasonable exercise of its governmental operations or function.

Section 4. This ordinance shall take effect immediately.

Council Members Igoe, Conti, Herring, Sano, Fox, Casey, O'Brien, Rosenzweig, Scalzo and Timmons introduced the following, which was referred to the Law, Buildings and Code Enforcement Committee:

Ordinance Number 24.41.08

AN ORDINANCE AMENDING CHAPTER 217 (HANDBILLS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO TELEPHONE DIRECTORY DISTRIBUTION

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

Section 1. Section 217-1 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-1. Intent and purpose.

The Common Council of the City of Albany finds and declares that the illegal posting and distributing of handbills is a nuisance and form of visual pollution which negatively impacts the quality of life in residential and commercial neighborhoods. Particularly offensive is the defacement of public property through the illegal placement of bumper stickers and similar matter and the placement of posters or lawn signs by candidates for public office on vacant or boarded up buildings and on public spaces. It is the intent of this chapter to prohibit the illegal posting of handbills and to regulate distribution in a manner which informs person distributing handbills of the requirements herein and minimizes street litter.

Unwanted telephone books have become a waste problem, as well as a litter and nuisance problem. Residents and businesses complain about unwanted telephone books. The taxpayers bear the burden for clean-up, recycling and disposal of unwanted books. As the number of telephone directory distributors increases, it has become a serious environmental concern. In the interest of improving the quality of life for our residents, of reducing waste removal and recycling costs to local governments, and of reducing the use of natural resources, the Common Council amends this ordinance to include telephone directories within its provisions.

Section 2. Section 217-2 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL HANDBILL — Any handbill which:

- A. Advertises for sale at a commercial establishment any commodity or service;
- B. Directs attention to any business, commercial establishment or other activity for the purpose of either directly or indirectly promoting its interest; or
- C. Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

HANDBILL — Any printed or written matter, poster, lawn sign, sample circular, leaflet, pamphlet, paper, booklet, printed matter of literature, bumper sticker, decal or similar matter with a self-adhesive backing intended to affix to a surface.

LOCAL TELEPHONE DIRECTORY—— means a publication that lists and publishes the names, addresses and telephone numbers of telephone customers or the advertisements, products or services of businesses or professional firms by alphabetical category.

PERSON — Any natural person, firm, partnership, association, corporation, company, public utility or organization of any kind.

PUBLIC PLACE — Any street, sidewalk, alley, public way, public park, public square, public space, public grounds or public building.

Section 3. Section 217-3 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-3. Distribution and posting.

A. Public places.

(1) No person shall leave any handbill or local telephone directory upon a public place within the City of Albany. This provision shall not be construed as prohibiting the distribution of handbills to persons willing to accept them.

(2) No person shall affix any handbill to any lamppost, public utility pole, street sign, traffic sign, bus shelter, tree or upon any public structure or public building.

B. Private property.

- (1) No person shall leave any handbill or local telephone directory upon any private property which is temporarily or continuously uninhabited or vacant.
- (2) No person shall leave any handbill upon private property if requested by the owner or any person in control of the property not to do so, or if there is posted on the property in a conspicuous place near the entrance a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertising," or any similar notice indicating that the occupants of the property do not desire to have any handbills left upon the property.
- (3) Handbills may be distributed to inhabited private property which is not posted as provided in this chapter, provided that the handbills are left in a manner that prevents them from being carried by the elements upon any public place or private property.

C. Motor vehicles. No person shall place any handbills on a motor vehicle.

D. All local telephone directories distributed within the City of Albany shall conspicuously print on the front cover a statement that reads, "IF YOU NO LONGER WISH TO RECEIVE THIS DIRECTORY, PLEASE CALL THE FOLLOWING NUMBER OR WRITE TO THE FOLLOWING ADDRESS:" along with a toll-free number and mailing address for the business that residents may use to provide verbal or written notice to the business that the resident no longer wishes to receive the directory. Local telephone directories shall not be distributed to the resident at that address for a period of five years.

Section 4. Section 217-4 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-4. Licenses; fees.

A. License required. Any person engaged in the distribution of commercial handbills or local telephone directories within the City of Albany shall make application to and obtain from the City Clerk a commercial handbill distribution license. The application shall be written on a form prescribed by the City Clerk. Any person obtaining a commercial handbill distribution license shall be permitted to distribute handbills or local telephone directories pursuant to the provisions of this chapter and the rules and regulations promulgated by the City Clerk.

B. Rules and regulations. The City Clerk may promulgate rules and regulations which are necessary and proper to carry out the purposes of this chapter.

C. Suspension or revocation. A license may be suspended or revoked by the City Clerk only after notice in writing and an opportunity to be heard is given to the licensee. Written notice of intent to suspend or revoke a license shall be given to the licensee by registered or certified mail to the address set forth on the application. The City Clerk shall suspend or revoke the license of any licensee found to have violated or to have permitted a violation of any provision of this chapter or any other ordinance, rule or regulation or state or federal law pertaining to the distribution of commercial handbills.

D. Transferability of license. No license issued under this chapter shall be transferable.

E. Fees.

- (1) License fees for a commercial handbill distribution license shall be as follows:
 - (a) For a period of more than nine months to one year: \$110.
 - (b) For a period of more than six months to nine months: \$82.50.
 - (c) For a period of more than three months to six months: \$55.

- (d) For the period of more than one week to three months: \$27.50.
- (e) For the period of one week or less: \$11.
- (2) The yearly license shall be for a one-year period commencing at the time of issuance of the license.
- (3) Upon revocation of the license, the license fee shall be forfeited.

F. Any commercial handbill or local telephone directory distributed in accordance with this section shall bear a license number and expiration date issued by the City Clerk.

G. Nothing herein shall be interpreted to require a license for the placement of a commercial handbill, which is in the form of a poster or lawn sign, on private property when such placement is with the prior consent of the property owner and advertises the availability of such property for sale or rent or advertises the services of an individual, company or other entity making improvements on such property.

Section 5. This ordinance shall take effect immediately.

Council Member Igoe moved to amend Ordinance 20.31.08, and as amended asked for passage and a roll call vote thereon:

Ordinance Number 20.31.08 (as amended)

AN ORDINANCE AMENDING CHAPTER 239 (JUNK DEALERS) OF THE CODE OF THE CITY OF ALBANY

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

Section 1. Chapter 239 of the Code of the City of Albany is hereby amended as follows:

Chapter 239: JUNK DEALERS AND SCRAP METAL PROCESSING

§ 239-1. Authorization to issue license; license fee.

The City Clerk of the City of Albany is hereby authorized to issue licenses to citizens desiring to carry on the business of buying, selling and dealing in junk, rags, old rope, old iron, brass, copper, tin, lead, scrap metals or other old metals, old bottles, old glass, old bones, old tinware, old clothing unfit for wearing, old shoes or any secondhand articles except secondhand books and furniture upon payment annually, to the City of Albany, of the sum of \$82.50 as a license fee for each and every license so issued.

§ 239-2. Definitions

"Scrap metal processing facility" shall mean an establishment engaged primarily in the purchase, processing and shipment of ferrous and/or non-ferrous scrap, the end product of which is the production of raw material for remelting purposes for steel mills, foundaries, smelters, refiners, and similar users.

"Scrap metal processor" shall mean any person, association, partnership or corporation operating and maintaining a "scrap metal processing facility".

§ 239-~~2~~3. Prohibitions.

No person licensed as aforesaid shall receive, in the line of his business, any article or thing by way of pledge or pawn, nor shall he loan or advance any sum of money on the security of any such article or thing, nor shall any such person receive or purchase any goods, article or thing whatever from any person under

the age of eighteen (18) years or from any person or persons whomsoever between the setting of the sun and the hour of 7:00 a.m.

§ 239-~~3~~4. Report to Police Chief; Statements required from persons selling certain property.

A. Reporting.

1. Every person licensed under the provisions of this chapter is hereby required to make a report~~[, in writing,]~~ to the Chief of Police of the City of Albany, or his representative, in such form as such Chief may prescribe, specifying all articles purchased or received by him during a period of time specified in such request, together with the name and residence of the person or persons from whom such purchases were made and to whom such articles were sold.
2. Every junk dealer and scrap metal processor as defined by this chapter shall utilize the City's electronic pawn and scrap metal reporting system to make an electronic report and the report shall be a full, true and complete report of all scrap metal purchased. The report shall show the hour of day when the scrap metal was purchased, amount purchased, a description of material purchased and the name and address of the person from whom the article was acquired. No items shall be received unless the person from whom the material is acquired exhibits a driver's license or state issued ID card and the identifying number is recorded on the report.
3. All transactions will be placed into the City's electronic pawn and scrap reporting system before the item in question is acquired. The pawn/scrap ticket number will be automatically generated by the City's electronic reporting system.
4. Should there be a loss of power or a failure of the City's electronic pawn and scrap reporting system, every dealer must transmit the information as described in this section to the Chief of Police, or his representative, in writing, every day except Sunday, that such a loss of power or failure of the electronic system remains, before five o'clock (5:00pm) in the afternoon and if that day be Sunday, such reporting shall take place on the following business day.

B. Statements required from persons selling certain property.

On purchasing any pig or pigs of metal, bronze or brass castings or parts thereof, sprues or gates or parts thereof, copper wire or brass car journals, or metal beer kegs, such junk dealer shall cause to be subscribed by the person from whom purchased a statement as to when, where and from whom he obtained such property, also his age, residence by city, village or town, and the street and number thereof, if any, and otherwise such description as will reasonably locate the same, his occupation and name of his employer and place of employment or business, which statement the junk dealer or scrap metal processor shall forthwith file with the Chief of Police or his representative.

§ 239-~~4~~5. Exclusion of collateral loan broker.

No person or persons licensed to carry on business under the provisions of this chapter shall (during the continuance of such license) use, exercise or carry on the business or trade of a collateral loan broker, nor shall any collateral loan broker receive a license under the provisions of this chapter.

§ 239-~~5~~6. Restrictions.

No person licensed pursuant to this chapter shall carry on any such business at any other house or place than the one designated in such license or continue to carry on such business after such license may have been revoked.

§ 239-~~6~~7. Sign requirements; change of place of business.

Every person licensed under the provisions of this chapter shall have and keep a sign on the outside and in front of his shop or other place used for carrying on such business, on which shall be plainly set forth in conspicuous letters and figures his name, his licensed business and the number of his said license; and, in case any person so licensed, as aforesaid, shall remove his shop or place of business from the place designated in said license, he or she shall immediately thereupon give notice to the City Clerk and have the same endorsed upon such license, and the number of his shop or place of business shall thereupon be changed upon the sides of the cart or wagon used by such licensed person and made to correspond with such change of shop or place of business.

§ 239-~~7~~8. Badge.

Every person licensed under the provisions of this chapter shall, when engaged in the business described in § 239-1 hereof or in soliciting, purchasing or receiving any of the articles mentioned herein, wear on the breast of his coat in a conspicuous place a metallic badge, which shall contain in legible, large-sized letters and figures the words "licensed junk dealer" and the number of his license.

§ 239-~~8~~9. Repealer.

All ordinances or parts of ordinances of the City of Albany relating to junk dealers or inconsistent with the provisions of this chapter are hereby repealed.

§ 239-~~9~~10. Penalties for offenses.

Every person who shall violate any of the provisions of this chapter shall be guilty of misdemeanor and, upon conviction, shall be punished by a fine not exceeding fifty dollars (\$50.) or imprisonment in the Albany County Penitentiary for a term not exceeding six (6) months, or both such fine and imprisonment, and in addition thereto shall be liable to a penalty of fifty dollars (\$50.) for each and every day any such provision shall be violated.

Section 2. This ordinance shall take effect thirty (30) days after passage.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Igoe moved to amend Ordinance 20.31.08, and as amended asked for passage and a roll call vote thereon:

Ordinance Number 20.31.08 (as amended)

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The City Clerk of the City of Albany is hereby authorized to issue licenses to citizens desiring to carry on the business of buying, selling and dealing in junk, rags, old rope, old iron, brass, copper, tin, lead, scrap metals or other old metals, old bottles, old glass, old bones, old tinware, old clothing unfit for wearing, old shoes or any secondhand articles except secondhand books and furniture upon payment annually, to the City of Albany, of the sum of \$82.50 as a license fee for each and every license so issued.

§ 239-2. Definitions

"Scrap metal processing facility" shall mean an establishment engaged primarily in the purchase, processing and shipment of ferrous and/or non-ferrous scrap, the end product of which is the production of raw material for remelting purposes for steel mills, foundaries, smelters, refiners, and similar users.

"Scrap metal processor" shall mean any person, association, partnership or corporation operating and maintaining a "scrap metal processing facility".

§ 239-~~2~~3. Prohibitions.

No person licensed as aforesaid shall receive, in the line of his business, any article or thing by way of pledge or pawn, nor shall he loan or advance any sum of money on the security of any such article or thing, nor shall any such person receive or purchase any goods, article or thing whatever from any person under the age of eighteen (18) years or from any person or persons whomsoever between the setting of the sun and the hour of 7:00 a.m.

§ 239-~~3~~4. Report to Police Chief; Statements required from persons selling certain property.

A. Reporting.

1. Every person licensed under the provisions of this chapter is hereby required to make a report ~~[, in writing,]~~ to the Chief of Police of the City of Albany, in such form as such Chief may prescribe, specifying all articles purchased or received by him during a period of time specified in such request, together with the name and residence of the person or persons from whom such purchases were made and to whom such articles were sold.

Matter underlined is new; matter in [brackets] to be deleted.

2. Every junk dealer and scrap metal processor as defined by this chapter shall utilize the City's electronic pawn and scrap metal reporting system to make an electronic report and the report shall be a full, true and complete report of all scrap metal purchased. The report shall show the hour of day when the scrap metal was purchased, amount purchased, a description of material purchased and the name and address of the person from whom the article was acquired. No items shall be received unless the person from whom the material is acquired

exhibits a driver's license or state issued ID card and the identifying number is recorded on the report.

3. All transactions will be placed into the City's electronic pawn and scrap reporting system before the item in question is acquired. The pawn/scrap ticket number will be automatically generated by the City's electronic reporting system.

B. Statements required from persons selling certain property.

On purchasing any pig or pigs of metal, bronze or brass castings or parts thereof, sprues or gates or parts thereof, copper wire or brass car journals, or metal beer kegs, such junk dealer shall cause to be subscribed by the person from whom purchased a statement as to when, where and from whom he obtained such property, also his age, residence by city, village or town, and the street and number thereof, if any, and otherwise such description as will reasonably locate the same, his occupation and name of his employer and place of employment or business, which statement the junk dealer or scrap metal processor shall forthwith file in the office of the Chief of Police.

§ 239-[4]5. Exclusion of collateral loan broker.

No person or persons licensed to carry on business under the provisions of this chapter shall (during the continuance of such license) use, exercise or carry on the business or trade of a collateral loan broker, nor shall any collateral loan broker receive a license under the provisions of this chapter.

§ 239-[5]6. Restrictions.

No person licensed pursuant to this chapter shall carry on any such business at any other house or place than the one designated in such license or continue to carry on such business after such license may have been revoked.

§ 239-[6]7. Sign requirements; change of place of business.

Every person licensed under the provisions of this chapter shall have and keep a sign on the outside and in front of his shop or other place used for carrying on such business, on which shall be plainly set forth in conspicuous letters and figures his name, his licensed business and the number of his said license; and, in case any person so licensed, as aforesaid, shall remove his shop or place of business from the place designated in said license, he or she shall immediately thereupon give notice to the City Clerk and have the same endorsed upon such license, and the number of his shop or place of business shall thereupon be changed upon the sides of the cart or wagon used by such licensed person and made to correspond with such change of shop or place of business.

§ 239-[7]8. Badge.

Every person licensed under the provisions of this chapter shall, when engaged in the business described in § 239-1 hereof or in soliciting, purchasing or receiving any of the articles mentioned herein, wear on the breast of his coat in a conspicuous place a metallic badge, which shall contain in legible, large-sized letters and figures the words "licensed junk dealer" and the number of his license.

§ 239-[8]9. Repealer.

All ordinances or parts of ordinances of the City of Albany relating to junk dealers or inconsistent with the provisions of this chapter are hereby repealed.

§ 239-[9]10. Penalties for offenses.

Every person who shall violate any of the provisions of this chapter shall be guilty of misdemeanor and, upon conviction, shall be punished by a fine not exceeding fifty dollars (\$50.) or imprisonment in the Albany County Penitentiary for a term not exceeding six (6) months, or both such fine and imprisonment, and in addition thereto shall be liable to a penalty of fifty dollars (\$50.) for each and every day any such provision shall be violated.

Section 2. This ordinance shall take effect immediately.

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

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

Affirmative 14 Negative 0 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

Council Member Conti on behalf of Council Member Casey introduced the following, which was held:

Resolution Number 32.41.08R

RESOLUTION OF THE COMMON COUNCIL REQUESTING THE CITY BOARD OF EDUCATION TO EXPAND THE NUMBER OF POLLING PLACES AVAILABLE TO VOTERS

WHEREAS, voters in the City of Albany will have the opportunity to vote on the upcoming school budget and the facilities bond referendum, and

WHEREAS, the school district currently offers only sixteen (18) polling places whereat voters can exercise their rights, and

WHEREAS, the City of Albany offers seventy-one (71) polling place whereat residents can exercise their right to vote, and

WHEREAS, on May 15, 2007, the last vote on the district's facilities plan, only 11.2% of eligible voters turned out due to the lack of available voting places,

NOW THEREFORE BE IT RESOLVED, that the Common Council join with the Mayor of the City of Albany in formally requesting that the school board make every effort to insure that residents of the City are given the opportunity to conveniently vote on these important issues and to eliminate the current policy of offering only limited locations that tends to disenfranchise voters.

Council Member Herring introduced the following, which was referred to the Human Resources and Human Rights Committee:

Resolution Number 34.41.08R

RESOLUTION OF THE COMMON COUNCIL RECOMMENDING THAT THE CITY OF

ALBANY MUNICIPAL CIVIL SERVICE COMMISSION ADOPT A RULES AMENDMENT FOR ACTIVE DUTY MILITARY PERSONNEL

WHEREAS, the City of Albany Municipal Civil Service Commission may adopt their own rules and qualifications in addition to the existing state civil service laws; and

WHEREAS, the Commission is responsible for the local administration of the Civil Service Law and is responsible for conducting examinations and preparing eligibility lists; and

WHEREAS, current rules require that applicants for the City of Albany police officer or firefighter exam be a resident of Albany, Columbia, Greene, Rensselaer, Saratoga, Schoharie or Schenectady counties at least 30 days prior to taking the exam and provides a preference for applicants who are City of Albany residents for at least 30 days prior to taking the exam; and

WHEREAS, while this residency rule and preference is desirable, it eliminates many individuals who are in active military duty from applying. These individuals possess many of the skills desired for these positions and should be given an exemption from this residency rule. This exemption may also help the City to increase its pool of qualified woman and minority candidates for these departments.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby recommend that the City of Albany Municipal Civil Service Commission consider exempting active duty military personnel from the residency restriction currently imposed for police and firefighter exams.

Council Member Rosenzweig introduced the following, asked for passage and a roll call vote thereon:

Resolution Number 35.41.08R

RESOLUTION URGING THE MAYOR OF THE CITY OF ALBANY TO PURSUE THE USE OF WIND TURBINES ON CITY OWNED LAND

WHEREAS, wind energy diversifies the nation's energy supply, takes advantage of a domestic resource, and helps the nation meet its commitments to curb emissions of greenhouse gases, which threaten the stability of global climates; and

WHEREAS, wind power can play a significant role in the revitalization of local economies. Wind plants contribute to the local tax base for schools and infrastructure and municipalities may also receive payments as rent or royalty for use of their land. Wind power also produces direct economic effects including the purchase of materials and labor for construction, operations, maintenance, fuel extraction, and fuel transport. It also creates manufacturing jobs; and

WHEREAS, Horizon Wind Energy LLC, a Houston-based developer of wind energy farms has opened an office in Albany and will purchase 201 large wind turbines from General Electric Co. The use of wind energy is increasing in New York State as evidenced by this development; and

WHEREAS, the use of wind energy could make the City of Albany a leader in the State and put it at the forefront of the clean energy movement.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany urges the Mayor to study the feasibility of using city-owned land for wind power as a method of reducing energy expenses for the city, increasing revenue from city owned land, setting a "clean energy" example, and preserving our natural environment.

Resolution Number 35.41.08R was Co-Sponsored by Council Members Sano, Smith and Timmons.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member O'Brien introduced the following, which was referred to the General Services, Health and Environment Committee:

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF NICHOLAS J. D'ANTONIO AS THE COMMISSIONER OF THE DEPARTMENT OF GENERAL SERVICES

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, appointed Nicholas J. D'Antonio as the Commissioner of the Department of General Services.

NOW, THEREFORE, BE IT RESOLVED that Nicholas J. D'Antonio is confirmed as the Commissioner of the Department of General Services.

Council Member Conti asked and received majority consent to add Resolution Number 37.41.08R to the pending agenda, which was approved by unanimous voice vote.

Council Members Sano, Calsolaro, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Scalzo, Smith and Timmons introduced the following resolution, which was approved:

RESOLUTION NUMBER 37.41.08R (MC)

RESOLUTION COMMEMORATING THE MAIMONIDES HEBREW DAY SCHOOL OF THE CAPITAL DISTRICT'S 28TH ANNUAL SCHOLARSHIP TRIBUTE DINNER

WHEREAS, it is the sense of this Council to recognize and commend those institutions and individuals of commitment and high achievement whose purpose and endeavor have been dedicated to the pursuit of excellence in the education of the children of this great city; and

WHEREAS, religious institutions, and the many spiritual, social and educational benefits they confer, play a vital role in the development of the moral fabric of a responsible citizenry; and

WHEREAS, it is the tradition of this City and State to pay tribute to those institutions and individuals who have contributed to the ethical and spiritual values of their communities; and

WHEREAS, this Council is justly proud to commemorate the 28th Anniversary of Maimonides Hebrew Day School of the Capital District; and

WHEREAS, at the Annual Scholarship Tribute Dinner the school honored Michael Bernstein, Herb Cohen, Pearl and Sam Clevenson, Harold Shugar, Jim Clevenson, Jonathan Cohen, Nurit Carmel, Jack Lauber, Haim and Dalia Ben-Eliezer, Faye and Rabbi Silton, Laurie Clevenson, Charlie Freedman, the

Honorable Michael McNulty, Anne Rothenberg and presented the Berger Memorial Award to Leo and Ruth Phaff; and

WHEREAS, the greatest asset of any society is its children and the hope and promise they represent for the future. Maimonides Hebrew Day School of the Capital District has a proud and rich history of providing its students with an educational and religious foundation which is both strong and enduring.

RESOLVED, that this Council pause in its deliberations to honor the Maimonides Hebrew Day School of the Capital District 27th Annual Scholarship Dinner and its honorees at the Annual Scholarship Dinner on April 30, 2007.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed be transmitted to the Maimonides Hebrew Day School of the Capital District.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 1.11.08R (RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE HARRIMAN CAMPUS – UNIVERSITY AT ALBANY TRANSPORTATION LINKAGE STUDY), which had been previously introduced

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 7.12.08R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF DOUGLAS P. MACKEY 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, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 14 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 McLaughlin offered the following, which was approved 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, 2008, AND WAIVE THE READING OF THE NAMES:

Albany County Department of Management & Budget, 112 State St, Albany, NY 12207

Benson-Moore, Charlene
Bulmer, Bridget
Carcia, Heather
Craig, Mary
Davis, Jennifer
DiLella, Anthony
Hood, Amy

Hood, Donna
Johnson, Yoneka
Maloy, Amparo
Murray, Christina
Parker, Susan
Williams, Louis

Council Member Scalzo stated that he wanted to clarify that the Public Safety Committee has an ongoing investigation into the various Albany Police Department issues. He discussed the public comment regarding the State Investigation Commission letter and stated there was no opportunity to discuss it.

Council Member Ellis stated that when the allegations against APD were known a year ago, he made it clear the Public Safety Committee was not the way to handle the situation. And he made it clear that he would seek outside investigations. He discussed that these issues have been happening for years and expressed concern with Chief Tuffey not staying at public meetings to hear public comment. He stated that as elected officials, they need to hold departments accountable and he hoped to have had more members sign on to the letter.

Council Member O'Brien stated that he does not disagree but the council has an obligation to follow through on the Public Safety committee's investigation. He suggested possibly meeting with Chief Tuffey in private could have resulted in more answers.

Council Member Rosenzweig stated that he agreed with Council Member O'Brien about the idea of meeting with the Chief. He stated he was not made aware of the letter to the SIC and it looked as though it reflected the opinion of the entire Council. He discussed the importance of the Council working as a whole even though people have different opinions.

Council Member Calsolaro stated that it was a letter done by six individuals and that anyone could submit a letter to the SIC requesting investigations. He stated that he has written several letters about various issues including the landfill and the convention center and welcomed anyone to sign on to his letters. He stated the letter was not done as a body.

Council Member Timmons stated that there were three newer members and three older members that signed the letter and asked why this could not have been done before Chief Tuffey. He stated other members should have been notified ahead of time. He discussed things getting done in his community with the help of the Mayor.

Council Member Fahey stated that she had a lot of concern for not sharing the information about the SIC letter but due to the serious allegations against APD, she felt there was a sense of urgency. She stated she had some regrets, but felt it was more important to get the letter out as soon as possible.

Council President Morris stated that the SIC letter was written and signed by a few members of the Council, but anyone in the room could write a letter to the SIC. She stated that there are many letters written and signed by few or all members.

Council Member McLaughlin stated that she felt compelled to do something because after hearing comments from people everywhere and being asked what are you going to do, she felt it was important to send the letter to

the SIC. She clarified that it was not a Council action. She stated that there was concern from members that this discussion would take place, but this was clearly an individual decision.

Council Member Igoe had statements on giving the authority to the CPRB.

Council Member Sano stated that News Channel 13 came to an agreement on a fair and equitable contract and hopefully their union and labor problems are over.

Council Member Smith stated there was discussion to move the police investigation process to another level. She stated that she represents a community that is affected disproportionately by these issues. She stated that she would like each of the members to think about even if it was done differently, would the members who did not sign on have signed on anyway.

Council Member Herring stated that he would have liked the opportunity to decide if he wanted to sign on or not. He stated the he had not seen the SIC letter. He stated that people seem to think that the other members did not want to sign the letter and that they should have informed the rest of the Council.

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 April 7th, 2008

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