

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, June 16, 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, Casey, Conti, Fahey, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith. .

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

Council Member Herring led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Dr. Leonard Morgenbesser, 219 Tampa Ave., Albany, NY 12208 (Perspectives & Recommendations on Gun Violence)
2. Tom Ellis, 43 N. Pine Ave., Albany, NY 12208 (More Effective Common Council & Solid Waste)
3. Ken Watson, 70 Sand Creek, Albany, NY 12211 (Tivoli Grant – Resolution 56.62.08R(MC))
4. Elise VanAllen, 327 State Street, Albany, NY 12210 (Landfill Expansion)
5. Mike Kernan, 35 Clermont Street, Albany, NY (Failure and Refusal of Code Enforcement to Enforce a filed complaint)
6. Neil Gifford, 195 New Karner Rd., Albany, NY 12205 (Residence Inn SDEIS)
7. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Safety in the City of Albany)

Council Member Conti made a motion to extend Public Comment Period for an additional 20 minutes, which was approved by unanimous voice vote.

8. Allahson Allah, 187 N. Lake Ave., Albany, NY 12206 (Violence)
9. Jared King, 22 Parkwood Dr., Delmar, NY 12054 (Jurisdictional authority of a Commissioner of Deeds)
10. Vincent Riguso, 13 Beach Ave., Albany, NY 12208 (Vacant Houses & Landfill)

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

REPORTS OF STANDING COMMITTEES

General Services, Health and Environment – Council Member O'Brien stated that the committee met on Wednesday, June 11, 2008 to discuss a 20 year Solid Waste Plan for the City of Albany and Ordinance 51.61.08 repealing Ordinances 31.42.08 and 32.42.08 regarding landfill expansion bonding. The committee discussed the flow of information regarding passing the bonding ordinance too soon and recommended Ordinance 51.61.08 out of committee. In regards to the 20 year solid waste plan, the committee will need more information and will invite all parties involved.

Planning, Economic Development and Land Use – Council Member Herring stated that the Committee would be met on Tuesday, June 3, 2008 to discuss Resolutions 26.31.08R, 9.12.08R and 61.92.07R. All resolutions were recommended out of committee favorably.

Parks, Recreation and Family Services – Council Member Calsolaro stated that the Committee would be meeting on Wednesday, June 18, 2008 to have a discussion with a State representative regarding changes at Thatcher Park and their pools.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on Taxis – Council Member Scalzo stated that the Committee would be meeting to discuss a taxicab gas surcharge and other related taxi issues.

CONSIDERATION OF ORDINANCES

Council Member Conti asked and received majority consent to add Ordinance 52.62.08 to the pending agenda, which was approved by unanimous voice vote.

Council Members Scalzo, Calsolaro and Rosenzweig introduced the following, which was held:

ORDINANCE NUMBER 52.62.08(MC)

AN ORDINANCE AMENDING ARTICLE II (TAXICABS AND HACKS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY TO ALLOW FOR AN ENERGY ALLOWANCE FOR TAXI CABS OPERATING IN THE CITY OF ALBANY

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

Section 1. Section 353-31 of Article II of Chapter 353 of the Code of the City of Albany is hereby amended as follows:

§353-31. Surcharges.

A. A surcharge of \$1 is imposed on all trips commenced and terminated between the hours of 6:00 p.m. and 6:00 a.m. and upon all trips commenced and terminated during the twenty-four-hour period comprising a Sunday or legal holiday.

B. There shall be an energy surcharge for trip rates ranging between \$3.50 and \$4.99 in the sum of \$0.50 and for trip rates \$5.00 and up in the sum of \$1.00. This energy allowance shall remain in effect as long as the average price of a gallon of gasoline for the Upstate New York area as reported by the New York State Energy and Research Development Authority (NYSERDA) should exceed \$3.499 per gallon. No energy allowance shall be authorized or collected where the average price of a gallon of gasoline in the Upstate New York region as reported by NYSERDA falls below \$3.50.

Section 2. This ordinance shall take effect immediately.

Council Member McLaughlin, Ellis, and Smith asked for passage of ORDINANCE NUMBER 50.61.08 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 63 THIRD STREET (TAX

MAP #65.74-2-19), 5 HUNTERS ALLEY (TAX MAP #65.74-3-75), 31 CATHERINE STREET (TAX MAP #76.57-5-42), 33 CATHERINE STREET (TAX MAP #76.57-5-43), 35 CATHERINE STREET (TAX MAP #76.57-5-44), 37 CATHERINE STREET (TAX MAP #76.57-5-45) AND 16 MORTON AVENUE (TAX MAP #76.57-5-17) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO PEARL OVER LOOK, INC. AND AHA SOUTH END II PROJECT, LLC), which had been previously introduced.

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

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

Affirmative 12 Negative 0 Abstain 0

Council Member O'Brien asked for passage of ORDINANCE NUMBER 51.61.08 (AN ORDINANCE REPEALING ORDINANCE 31.42.08 ENTITLED "AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$6,991,000.00 AND AUTHORIZING THE ISSUANCE OF \$6,991,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LANDFILL EXPANSION)" AND ORDINANCE 32.42.08 ENTITLED "AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,700,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,700,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF. (PINE BUSH RESTORATION)"), which had been previously introduced.

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

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

Affirmative 12 Negative 0 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

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

Resolution Number 52.62.08R

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY SUPPORTING THE COLLEGE OF SAINT ROSE'S GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION UNDER THE ENVIRONMENTAL PROTECTION FUND FOR IMPROVEMENTS TO HOFFMAN PARK

WHEREAS, the College of Saint Rose, with assistance from the City's Department of Development and Planning, is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for funding assistance for improvements to Hoffman Park, a site located within the territorial jurisdiction of this Common Council; and

WHEREAS, as a requirement under the rules of these programs, the College of Saint Rose must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”; and

WHEREAS, per Resolution 46.61.07R, the City of Albany entered into a 30-year lease with the College of St Rose for a portion of Hoffman Park where the College will make improvements to develop home fields for the College of Saint Rose’s baseball team and will develop public programming available to City residents.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the College of Saint Rose for a grant under the Environmental Protection Fund for a park project known as Hoffman Park, located within the City of Albany.

BE IT FURTHER RESOLVED, that said property shall be maintained by the City of Albany as a municipal park consistent with the rules promulgated by OPRHP.

Resolution 52.62.08R was Co-Sponsored by Council Members Rosenzweig, Sano and Scalzo.

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

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

Affirmative 12 Negative 0 Abstain 0

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

Resolution Number 53.62.08R

RESOLUTION APPROVING SALARY INCREASES FOR EMPLOYEES OF THE ALBANY HOUSING AUTHORITY

WHEREAS, the Albany Housing Authority has by Resolution Number 5-08-38 adopted May 13, 2008, approved annual salary increases for all of its unionized and non-unionized employees as follows: 4% retroactive to July 1, 2007, 4% effective July 1, 2008, 3% effective July 1, 2009, and 3% effective July 1, 2010, and

WHEREAS, the proposed salary increases requires approval of the Common Council pursuant to the New York State Public Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the annual salary increases referenced above be and the same are hereby approved.

Resolution 53.62.08R was Co-Sponsored by Council Members Rosenzweig, Sano and Scalzo.

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

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

Affirmative 12 Negative 0 Abstain 0

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

Resolution Number 54.62.08R

RESOLUTION COMMEMORATING WORLD ELDER ABUSE AWARENESS DAY 2008

WHEREAS, The United States of America's seniors are valued members of society and it is our collective responsibility to ensure they live safely and with dignity; and

WHEREAS, abuse of older people is a tragedy inflicted on vulnerable seniors, and ever-increasing problem in today's society that crosses all socio-economic boundaries; and

WHEREAS, combating abuse of older people will help improve the quality of life for all seniors across this country and will allow seniors to continue to live as independently as possible and contribute to the life and vibrancy of the United States of America; and

WHEREAS, seniors in the United States of America are guaranteed that they will be treated with respect and dignity to enable them to continue to serve as leaders, mentors, volunteers and important and active members of this community; and

WHEREAS, we are all responsible for building safer communities for seniors in the United States of America; and

WHEREAS, the well-being of seniors in the United States of America is in the interest of all and further adds to the well-being of the United States of America's communities.

NOW, THEREFORE, BE IT RESOLVED, that the Albany Common Council, acting on behalf of all the people of the City of Albany, hereby commemorates June 15, 2008 as World Elder Abuse Awareness Day.

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

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

Affirmative 12 Negative 0 Abstain 0

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

Resolution Number 55.62.08R

RESOLUTION OF THE COMMON COUNCIL APPOINTING THOMAS NITIDO A MARRIAGE OFFICER PURSUANT TO ARTICLE 3 OF THE DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK

WHEREAS, Article 3 of the Domestic Relations Law authorizes the governing body of a City to appoint Marriage Officers whom shall have the authority to solemnize a marriage in accordance with other applicable provisions of law and within the municipal boundaries of the City,

NOW THEREFORE BE IT RESOLVED, that Thomas Nitido is hereby appointed a Marriage Officer in the City of Albany for a term of one (1) day; to wit: July 12, 2008.

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

Resolution 55.62.08R was Co-Sponsored by Council Member Scalzo.

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

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

Affirmative 12 Negative 0 Abstain 0

Council Member Conti asked and received majority consent to add Resolution Number 56.62.08R and 57.62.08R to the pending agenda, which was approved by unanimous voice vote.

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

Resolution Number 56.62.08R(MC)

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY SUPPORTING THE W. HAYWOOD BURNS ENVIRONMENTAL EDUCATION CENTER'S GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION UNDER THE ENVIRONMENTAL PROTECTION FUND FOR A PROJECT TO BE LOCATED IN THE TIVOLI PRESERVE

WHEREAS, the W. Haywood Burns Environmental Education Center is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located in the City of Albany New York, a site located within the territorial jurisdiction of this Common Council; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located."

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of W. Haywood Burns Environmental Education Center for a grant under the Environmental Protection Fund for a park project known as "Tivoli Lake Preserve Stewardship" to be located within the City of Albany.

BE IT FURTHER RESOLVED, that should W. Haywood Burns Environmental Education Center be unable to do so, said property shall be continue to be maintained by the City of Albany as a municipal park in this community consistent with the rules promulgated by OPRHP.

Resolution 56.62.08R(MC) was Co-Sponsored by Council Member Sano and Smith.

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

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

Negative -- Igoe

Affirmative 11 Negative 1 Abstain 0

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

Resolution Number 57.62.08R(MC)

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND
COMMEMORATING THE 2008 BLACK AND LATINO GAY PRIDE CELEBRATION**

WHEREAS, the month of June is nationally recognized and celebrated as Lesbian, Gay, Bisexual and Transgender Pride Month in commemoration of the 1969 Stonewall Rebellion which marks the birth of the modern day LGBT human rights movement; and

WHEREAS, 2008 marks the 38th anniversary of the founding of the Tri-Cities Gay Liberation Front which two years later evolved into the Capital District Gay and Lesbian Community Council; and

WHEREAS, Albany is the home of the oldest continuously operating lesbian and gay community center in the nation, located at 332 Hudson Avenue, and was the site, in 1971, of the first march on a state capital for lesbian and gay civil rights; and

WHEREAS, Albany and the Capital District respect and appreciate the diversity of its community and the variety of races, religions, genders, backgrounds and sexual orientations among its residents; and

WHEREAS, In Our Own Voices, whose mission is to work for and ensure the physical, mental, spiritual, political, cultural and economic growth of the LGBT People of Color community, has organized the second annual Black and Latino Pride Celebration; and

WHEREAS, this year's celebration, "Say it Loud!", is in recognition of the strong LGBT People of Color community in the Capital Region; and

WHEREAS, such celebration will be the weekend of June 20-22, 2008 and includes a festival with a variety of activities and information on June 21 at Albany's Riverfront Park in the Corning Preserve; and

WHEREAS, it is appropriate for this body to pause in its deliberations to recognize Black and Latino Gay Pride 2008 and the celebration of LGBT pride within the Capital Region's People of Color Community.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby recognize this celebration and the contributions of the Lesbian, Gay, Bisexual and Transgender People of Color community to our city and does extend its congratulations and best wishes for a successful 2008 Black and Latino Gay Pride celebration.

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

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

Affirmative 12 Negative 0 Abstain 0

Council Member Fox asked for passage of RESOLUTION 61.92.07R (RESOLUTION OF THE COMMON COUNCIL REGARDING COMPLETION OF A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SCHEDULING A PUBLIC HEARING IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONVERSATION LAW (SEQRA) AND THE REGULATIONS PROMULGATED THEREUNDER AND THE ZONING ORDINANCE IN CONNECTION WITH THARALDSON DEVELOPMENT COMPANY'S APPLICATION FOR REZONING OF 124-128R WASHINGTON AVENUE EXTENSION), which had been previously introduced.

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

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

Affirmative 12 Negative 0 Abstain 0

Council Member Herring, Rosenzweig, Fahey, McLaughlin and Sano asked for passage of RESOLUTION 9.12.08R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF SEAN M. RAFFERTY 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, Fahey, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith

Affirmative 12 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION 26.31.08R(MC) (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF CHRISTINE SISTO MERTES AS A MEMBER OF THE ALBANY PARKING AUTHORITY), which had been previously introduced.

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

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

Affirmative 12 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS

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:

Dion, Marlene, Office of the County Clerk, 32 N. Russell Rd., Albany, NY 12206

Laddin, Stephen, 506 Highwood Circle, Albany, NY 12203

Mott, Yolanda, 16 Osborne St., Albany, NY 12202

Town, Amanda, 19 S. Main Ave., Albany, NY 12208

ADJOURNMENT

Council Member Conti asked that Council Members Ellis, Fox and Timmons be excused.

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 June 16th, 2008.

CASHAWNA PARKER

LEGISLATIVE AIDE TO THE COMMON COUNCIL