

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

**Thursday, July 7, 2011**

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

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Sano and Smith.

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

Council Member O'Brien led the Pledge of Allegiance.

## **PUBLIC COMMENT PERIOD**

1. Cory Ellis, 69 Ten Broeck St., Albany, NY 12210 (IDA/CRC Tax Break for Alexander at Patroon Creek)
2. Donna Perry, 436 Livingston Ave., Albany, NY 12206 (Support Resolution 30.62.11R)
3. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Public Safety Issues in Downtown Albany)
4. Joe Cunniff, 10 Croswell St., Albany, NY 12206 (Honoring John Marsolais' Retirement)
5. Igracio Delgado, 7 Manning Sq., Albany, NY 12206 (Support Resolution 30.62.11R)
6. Louise McNally, 27 Summit Ave., Albany, NY 12209 (Support Resolution 30.62.11R)
7. Tom McPheeters, 155 Fourth Ave., Grand Street Community Arts, Albany, NY 12202 (Support for "A Village")
8. Willie White, "A Village", 155 Fourth Ave., Albany, NY 12202 (Support for "A Village")
9. Walter Sanders, "A Village", 155 Fourth Ave., Albany, NY 12202 (Support for "A Village")
10. Benita Law-Diau, "A Village", 155 Fourth Ave., Albany, NY 12202 (Support for "A Village")
11. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Tax Break for Alexander at Patroon Creek)

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

Council President McLaughlin acknowledged Ms. Pat Marsolais, former employee of the City of Albany and sister of John Marsolais, Albany City Clerk, visiting from Texas.

## **APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Council Member Conti made a motion to approve the minutes of the June 6, 2011 and June 20, 2011 meetings, which was approved by unanimous voice vote.

## **CONSIDERATION OF LOCAL LAWS**

Council Member Konev moved to withdraw Local Law G-2010.

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

**REPORTS OF STANDING COMMITTEES**

**Human Resources and Human Rights** – Council Member Fahey stated that the Committee met on June 30, 2011 at 5:30 p.m. to discuss the City Affirmative Action Plan and Equal Employment Opportunity issues. The Committee was presented with an updated Affirmative Action Plan and was informed of the positive recruitment strategies to diversify the City’s workforce. The Committee received an update on the Human Rights Commission to which the Committee will be interviewing candidates to the Commission on Thursday, July 14, 2011 at 5:30 p.m.

**Public Safety** – Council Member Smith stated that the Committee would be meeting on July 20, 2011 at 5:30 p.m. to receive a mid-year budget update from the Albany Fire Department.

**Finance, Taxation and Assessment** – Council Member Sano stated that the met on June 28, 2011 at 5:30 p.m. to interview candidates to the Public/Private Budgetary Commission. The City Auditor and Treasurer was present to discuss the tax cap, 2012 Budget status, the banking services RFP and to review the City’s investment policy. The Committee voted to favorably recommend Resolution 30.62.11R out of Committee with all Council Members listed as Co-Sponsors. The Committee will be meeting at 5:00 p.m. on July 13, 2011 to interview the remaining Public/Private Budgetary Cooperation applicants.

**Council Operations and Ethics** – Council Member Conti stated that the Committee would be meeting on July 12, 2011 to consider Resolution 36.71.11R in relation to the Council Rules of Procedure and to discuss Local Laws E & F in relation to Council restructuring.

**CONSIDERATION OF ORDINANCES**

Council Member Calsolaro introduced the following, which was referred to the Planning, Economic Development and Land Use Committee:

**Ordinance Number 44.71.11**

**AN ORDINANCE AMENDING ARTICLE II (EXTERIOR MAINTENANCE, SAFETY, SANITATION AND APPEARANCE) OF CHAPTER 151 (COMMERCIAL STANDARDS) AND ARTICLE XIX (OFF-STREET PARKING AND LOADING REQUIREMENTS) OF CHAPTER 375 (ZONING) IN RELATION TO COMMERCIAL PARKING LOTS**

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

**Section 1. Section 151-21 of Chapter 151 of the Code of the City of Albany is hereby amended to read as follows:**

Sec. 151-21. Parking lots.

A. Screening and landscaping. Off-street parking areas for more than five vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces premises situated in any

residential district (as defined by the Zoning Ordinance of the City of Albany) or institutional premises or a City street by a fence or wall six feet high, or a visual screen consisting of evergreen hedges or shrubs planted as a staggered double row spaced at intervals of not more than six feet and maintained in good condition, except that said screening may be less than six feet in height where it is desirable for security purposes to be able to see into the lot from the sidewalk.

B. Paving and delineation. Off-street parking areas for more than five vehicles shall be paved with permeable or porous paving material or pervious concrete. ~~and~~ Each space shall be delineated.

C. Existing off-street parking areas for more than five vehicles shall conform to ~~§ 151-21A and B by January 1, 1973~~ this Section when they are resurfaced. Screening and paving plans shall first be reviewed and application made for a building permit from the Commissioner of Buildings. All existing lots which are resurfaced after the effective date of this chapter, not in conformance with this chapter shall be subject to a fine of \$1 per day per parking space until the lot is brought into conformance.

**Section 2. Section 375-180 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:**

Sec. 375-180. Parking lot design for more than four vehicles.

Parking lots or areas for more than four vehicles shall be properly screened, landscaped and generally designed as not to present a nuisance to adjacent properties. The following design guidelines shall be considered:

A. Lighting. Fixed lighting shall be so arranged to prevent direct glare onto adjacent properties.

B. Car stops. Suitable devices may be required to protect fencing, landscaping and other screening devices from damage.

C. Drainage. Stormwater drainage improvements shall be installed as per the requirements of the City Engineer's office.

D. Snow storage. Parking facilities shall provide a snow storage area to ensure that fencing, landscaping and other screening devices are protected.

E. Dimensions.

(1) Turnaround access. Parking areas should be arranged where possible to permit cars to exit without backing onto any street or sidewalk.

(2) Backup. Except for attendant-operated lots, each parking space should be provided with a sufficient backup area.

(3) Access. Every parking lot containing 20 or more spaces shall be provided with a two-way driveway of at least 24 feet in width or two one-way driveways at least 15 feet in width.

F. Landscaping. A minimum of 7% of a proposed parking area shall be landscaped. At least one tree island of 80 square feet shall be provided for every 20 parking spaces, in addition to perimeter landscaping. Perimeter landscaping may consist of evergreen and deciduous trees and shall be adequate to properly screen the proposed lot from adjacent uses.

G. Screening. Off-street parking areas for more than four vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces premises situated in any R district, or institutional premises, by a fence or shall be screened with landscaping.

H. Minimum distances and setbacks. No off-street loading area or parking area or part thereof for more than four vehicles shall be closer than 10 feet to the lot line of any dwelling, school, hospital or other institution for human care located on any adjoining lot. If not in an R district but adjoining such district, the parking area shall not be located within 10 feet from the established street right-of-way line within 50 feet of any R district.

#### I. Definitions.

(1) Pervious concrete shall mean concrete made of a mix of coarse aggregate, cement, water and little or no sand. Pervious concrete is also known as "no-fines" or porous concrete. The mixture creates an open-cell structure, allowing rainwater to filter through to underlying soil.

(2) Permeable paving material shall mean a range of materials and techniques for paving parking lots that allow the movement of water and air around the paving material. Permeable paving material includes pervious concrete, porous asphalt, paving stones or bricks. Permeable paving materials allow precipitation to percolate through areas that would traditionally be impervious and infiltrates the stormwater through to underlying soil.

J. Surfaces. In all districts other than M-1, every off-street parking lot shall be constructed in such a manner so as to provide an all-weather, durable dustless surface and be constructed with permeable or porous paving material or pervious concrete. ~~The parking lot surface and~~ shall be graded and drained to dispose of all surface water accumulation without shedding such surface water on adjoining property or right-of-way. The drainage material and system shall be approved by the Engineering Department. Individual stalls shall be clearly identified.

### **Section 3. This ordinance shall take effect immediately.**

Council Member Conti introduced the following, which was held:

#### **Ordinance Number 45.71.11**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF PERMANENT EASEMENTS TO 189, 191, 193, 195 AND 197 JAY STREET OVER AND UPON PORTIONS OF THE CITY RIGHT-OF-WAY OF JAY STREET 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 permanent easements to 189, 191, 193, 195 and 197 Jay Street over and upon portions of the City right-of-way of Jay Street, adjacent to 189, 191, 193, 195 and 197 Jay 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.**

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

### **CONSIDERATION OF RESOLUTIONS**

Council Member Conti offered the following, which was referred to the Council Operations and Ethics Committee:

#### **Resolution Number 36.71.11R**

### **RESOLUTION OF THE COMMON COUNCIL AMENDING THE RULES OF PROCEDURE IN RELATION TO NEWS COVERAGE, VIDEOTAPING, AND PUBLIC CONDUCT**

**NOW, THEREFORE, BE IT RESOLVED, that Section 1.2 of Article 1 (Rules Generally) of the Rules of Procedure of the Common Council is amended to read as follows:**

#### **SECTION 1.2. Media coverage and equipment.**

No person except members, ex-members of the Common Council, City officials and major news outlets shall be allowed to come within the bar during the session of the Council, without the permission of the Council. Cameras, microphones, and recorders used by the video and audio media shall be placed in a fixed location specified by the President of the Council as space permits. Reporters and photographers shall not walk around the Council chamber or among the Council members.

**BE IT FURTHER RESOLVED, that Section 2.2 of Article 2 (Meetings) of the Rules of Procedure of the Common Council is amended to read as follows:**

#### **SECTION 2.2. Public Attendance and Conduct.**

Meetings shall be open to the public. Those in attendance shall conduct themselves in an orderly fashion and shall not disrupt the Council's business. As a chamber for the conduct of public business rules of decorum must be observed during the meeting. Those in attendance shall not applaud or shout at any point during the deliberations, enter the chamber with a hat or sunglasses, unless for religious or medical reasons, or bring food into the chamber. All cell phones and other types of electronic devices shall be silenced. All in attendance should strive to listen to the speakers and avoid side conversations while inside the chamber.

**BE IT FURTHER RESOLVED, that Article 7 (Press/Media) of the Rules of Procedure of the Common Council shall be deleted in its entirety.**

Council Member Freeman along with Co-Sponsors Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith introduced the following, asked for passage and a roll call vote thereon:

**Resolution Number 37.71.11R**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH GRAND STREET COMMUNITY ARTS FOR THE TEMPORARY USE AND OCCUPANCY OF 155 FOURTH AVENUE**

**BE IT RESOLVED,** that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with Grand Street Community Arts for the temporary use and occupancy of the City-owned property located at 155 Fourth Avenue for the erection of fencing and a stage, in addition to the beautification of the lot, upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

*\*Note: Council Members Calsolaro, Freeman, Konev, Fahey and Council President McLaughlin spoke on this resolution prior to passage.*

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

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

Affirmative 14 Negative 0 Abstain 0

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

**Resolution Number 38.71.11R**

**A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF THE CHIEF FISCAL OFFICER POSITION AND THE CREATION OF AN OPERATIONS ANALYST POSITION IN THE DEPARTMENT OF GENERAL SERVICES**

**WHEREAS,** Section 603(D)(b) of the Charter of the City of Albany dictates that any personnel titles or salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

**WHEREAS,** it is recognized that the needs of the Department of General Services require the skills and abilities of an Operations Analyst rather than those of a Chief Fiscal Officer.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the elimination of one current position of Chief Fiscal Officer and the creation of a position of Operations Analyst within the Department of General Services.

*\*Note: Council Members Konev, Calsolaro, O'Brien and Conti spoke on this resolution prior to passage.*

*Resolution Number 38.71.11R was Co-Sponsored by Council Members Freeman and Konev.*

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

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

Negative – Calsolaro and Smith

Affirmative 12 Negative 2 Abstain 0

**Resolution Number 39.71.11R was withdrawn prior to introduction at the request of the Mayor.**

**Council Member Conti asked and received majority consent to add Resolution 40.71.11R to the pending agenda, which was approved by unanimous voice vote:**

Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith, introduced the following resolution at the request of Common Council President McLaughlin, asked for passage and a roll call vote thereon:

**RESOLUTION NUMBER 40.71.11R (MC)**

**RESOLUTION OF THE COMMON COUNCIL HONORING JOHN MARSOLAIS UPON THE OCCASION OF HIS RETIREMENT FROM THE CITY OF ALBANY**

**WHEREAS**, the City of Albany Common Council takes great pride in acknowledging the significant milestones in the distinguished careers of its esteemed public servants, and

**WHEREAS**, John Marsolais started his city service on February 7, 1977 under Mayor Erastus Corning 2<sup>nd</sup> and is one of the few civil servants in the City of Albany who has served three administrations, and

**WHEREAS**, he has served in the youth bureau, as deputy treasurer, a top aide to former Mayor Thomas Whalen III, Director of Purchasing, Deputy General Services Commissioner, and finally as City Clerk, and

**WHEREAS**, John has been selected by three mayors to serve in top positions as well as the Common Council in his position as City Clerk serving as a testimony to his professionalism and likeable nature, and

**WHEREAS**, John Marsolais has proven throughout his time of service that he is deeply committed to the people of this city and has treated all of them as good neighbors during his tenure as a public servant.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council pauses in its deliberations to honor John Marsolais for his years of dedication and service to the quality of life of those who live and work in the City of Albany.

**BE IT FURTHER RESOLVED**, that the Common Council of the City of Albany wishes to thank John Marsolais for over thirty years of diligent service and commitment to the City of Albany and wishes him the best of luck in all of his future endeavors.

*\*Note: Council Members Calsolaro, Conti, Smith, O'Brien, Fahey, Golby, Igoe, Herring, Konev, Sano, Commisso, Jenkins-Cox, Bailey, Freeman and Council President McLaughlin spoke on this resolution prior to passage.*

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

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

Affirmative 14 Negative 0 Abstain 0

Council Members Calsolaro, Bailey, Freeman, Jenkins-Cox, Konev, and Smith asked for passage of RESOLUTION NUMBER 30.62.11R (As amended prior to introduction) (RESOLUTION OF THE COMMON COUNCIL REQUESTING THAT THE CITY TREASURER AVOID DOING BUSINESS WITH FINANCIAL INSTITUTIONS THAT DO NOT DEMONSTRATE A COMMITMENT TO NEGOTIATING PERMANENT MORTGAGE MODIFICATIONS AND OTHER METHODS OF KEEPING CITY OF ALBANY RESIDENTS IN THEIR HOMES AND FURTHER REQUESTING THAT GOVERNOR CUOMO AND THE NEW YORK STATE SENATE AND ASSEMBLY RESTORE FUNDING FOR SKILLED LEGAL AND FINANCIAL COUNSELING SERVICES FOR FORECLOSURE PREVENTION), which had been previously introduced.

*\*Note: Council Member Calsolaro, Council President McLaughlin, Council Members Fahey, Konev, Sano, Bailey, Freeman and Jenkins-Cox spoke on this resolution prior to passage.*

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

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

Affirmative 14 Negative 0 Abstain 0

**The remaining Resolutions on the pending agenda were held at the request of Council Member Herring.**

**MISCELLANEOUS AND UNFINISHED BUSINESS**

Council Member Igoe congratulated Council Member Freeman for succeeding in his efforts in getting CDTA to place a new route in the 2<sup>nd</sup> Ward but discussed his disappointment that CDTA removed a route from the 14<sup>th</sup> Ward. He stated that his ward has 20 miles of no sidewalk and that it is over a mile walk for some of constituents to the next bus stop.

Council Member Commisso agreed with Council Member Igoe on the lack of sidewalks within their wards and that they do not have beat cops patrolling their wards. He agreed with Council Member Jenkins-Cox with regard to not increasing taxes for taxpayers. He discussed the Alexander at Patroon Creek and stated that he does not support the incentive tax break because they own a NFL team.

Council Member Golby stated that she does not support the tax break for the Alexander at Patroon Creek. She discussed concerns from constituents that IDA/CRC meetings are not held in the evening hours.

Council Member Konev stated that the Council did not receive the IDA meeting notice as they have in the past. He discussed that he disagreed with the Planning Department. Council Member Konev discussed that the 11<sup>th</sup> Ward has benefited from the recent CDTA route changes.

Council Member O'Brien stated that only two Council Members were able to attend the IDA/CRC meeting. He discussed that the Alexander on Patroon Creek building is full and has a waiting list for new residents and he described the extravagant layout of the building. He discussed developing the Harriman Campus.

Council Member Calsolaro stated that he and Council President McLaughlin spoke out against the tax break for the Alexander at Patroon Creek. He discussed that the tax break numbers were based on no tax increase for 20 years, which is inaccurate. He discussed the cheapest rent there being listed as \$1900. He stated that the City would be losing millions of dollars and the taxpayers would pay for the loss of tax money. He discussed getting a call and being yelled at for speaking against the proposal. Council Member Calsolaro stated that CDTA is being affected by the economic downturn because they are funded through the mortgage reporting tax.

Council Member Freeman stated that he was at the last county auction and that families have moved out of their homes because of increasing property taxes. He discussed looking for savings to prevent people from losing their homes and that he is in the same foreclosure situations that families are in.

## **ADJOURNMENT**

Council Member Conti moved for adjournment.

Council Member Igoe made a motion to adjourn in honor of John Marsolais.

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

A true record of the Common Council Minutes of July 7<sup>th</sup>, 2011.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL