

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Thursday, July 8, 2010

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

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

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

Council Member Herring led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Anthony Capece, Central District Management Assoc., Inc. (Farmers Markets)
2. Virginia Hammer, 52 S. Allen St., Albany, NY 12208 (Madison Avenue Traffic Calming)
3. Lorenz Worden, 125 S. Pine St., Albany, NY 12203 (Madison Avenue Traffic Calming)
4. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Police Chief)
5. John Hammer, 52 S. Allen St., Albany, NY 12208 (Albany Medical Center Expansion)
6. Albert De Salvo, 67 Glendale Ave., Albany, NY 12208 (Albany Medical Center Expansion)
7. Grace White, 126 Winthrop Ave., Albany, NY 12208 (Resolution 51.51.10R - Jerusalem Day)
8. John Alvarez II, 83 Grove Ave., Albany, NY 12208 (Albany Medical Center Expansion)
9. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Tax-Exempt Properties)

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

DEFERRED

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Public Safety – Council Member Smith stated the Committee met on June 30, 2010 and that 14 members of the public made comments regarding Resolution 69.62.10R appointing Mr. Steven Krokoff as Police Chief.

Planning, Economic Development and Land Use – Council Member Herring stated the Committee met on June 22, 2010 and discussed Ordinances 54.42.10 (Lark Street Sidewalk Cafes), and 62.51.10 (Planning Department Fees), which were both favorably recommended out of committee.

Law, Buildings and Code Enforcement – Council Member Igoe stated that the Committee met on July 7, 2010 to discuss Ordinance 66.52.10 related to parking on sidewalks and three additional ordinances related to taxicabs (67.52.10, 73.61.10 and 74.61.10). He stated that all ordinances relating to taxicabs were held for further discussion.

REPORTS OF AD HOC COMMITTEES

Cable Access – Council Member Rosenzweig stated that the Committee would be meeting on Thursday, July 15, 2010 at 5:30pm to discuss the RFP regarding the part-time Public Access Aide and the committee would be getting

in touch with Mr. Gaffney of the Albany Public Library to try and to secure their participation with the PEG Access program.

Pesticide Ordinance – Council Member Golby stated that the Committee met on June 28, 2010 and had a presentation from the City Auditor Leif Engstrom on pesticide use in the City of Albany. The Committee also heard from the Commissioners of DGS and Recreation. She stated that also present were representatives from the Golf Course. The Committee will be meeting again on July 14, 2010 immediately following Caucus.

CONSIDERATION OF ORDINANCES

Council Member Konev introduced the following, which was referred to the Law, Buildings and Code Enforcement Committee:

Ordinance Number 78.71.10

AN ORDINANCE AMENDING CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PAYMENT OF TAXI FARES

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

Section 1. Section 353-49 of Article II of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:

§ 353-49. Price quotes.

A. At the time a dispatcher receives an order for service, the dispatcher shall quote the price for the service.

B. Any taxicab driver that solicits passengers upon the streets of the City or is solicited by a person upon the streets of the City shall quote a price for the solicited services before the commencement of the ride. If the taxicab is equipped with a radio providing communication with the dispatcher, upon request of the customer, the driver shall obtain a radio transmission of the fare from the dispatcher.

C. Fares collectible hereunder shall be demanded and paid in advance. A taxicab driver may refuse the conveyance of passengers for non-payment.

Section 2. This ordinance shall take effect immediately.

Council Member Conti and Konev asked for passage of ORDINANCE NUMBER 54.42.10 (AN ORDINANCE AMENDING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE HOURS OF OPERATION OF SIDEWALK CAFES WITHIN THE LARK STREET AREA BUSINESS IMPORVEMENT DISTRICT), which had been previously introduced.

**Note: Council Members Conti and Konev spoke on this ordinance 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, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Council Members Conti and Herring moved to amend and as amended asked for passage and a roll call vote thereon:

Ordinance Number 62.51.10 (as amended)

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FEES

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

Section 1. Section 375-24 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-24. Fees; exemption.

A. No application for a permit, certificate, appeal, amendment or other zoning purpose will be processed nor shall any action be taken unless the various charges for expenses or fees are paid in accordance with the schedule which is set forth below:

(1) Board of Appeals.

	Fees	
[Type _____	Residential	Commercial
Use variance _____	\$150	\$225
Area variance _____	\$125	\$150
Special use permit _____	\$150	\$225
Interpretation _____	\$150	\$225
Parking lot permit _____	\$150	\$225
Other (administrative appeal) _____	\$150	\$225

(2) Zoning change/amendment.

	Fees	
Type _____	Residential	Commercial
Base fee _____	\$350	\$500
For each acre of the lot size _____		\$35 per acre

(3) State environmental quality review (SEQR).

(a) ~~Draft environmental impact review and notice: \$350.]~~

(a) Use Variance:		\$400
	Per additional variance	\$100

(b) Area Variance:	1-2 Family Residence	\$50
	All Others	\$150
	Per additional variance	\$25

(c) Special Use Permit:		\$250
	Per additional permit	\$100

(d) Parking Lot Permit:		\$250
	Per additional permit	\$100

- (e) Interpretation: _____ \$100
- (f) Administrative Appeal: _____ \$250
- (g) Amendment: _____ \$200
- (h) Extension: _____ \$100
- (i) Rescheduling: _____ \$100
- (j) Zoning Compliance Letter: _____ \$50.

(2) Zoning change/amendment.

- (a) Base Fee: _____ \$500
 Per [additional] acre of lot size \$50 per acre.

(3) State environmental quality review (SEQR).

- (a) Draft environmental impact review and notice: \$350.
- (b) Final environmental impact review and notice: \$350.

B. Applications generated by the City of Albany and in connection with and furtherance of the governmental purpose and objective shall be exempt from such fees.

Section 2. Section 375-35 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-35. Submission requirements.

E. Fees. The application submitted to the Planning Board shall be accompanied by a check made out to the Treasurer, City of Albany. The dollar amount of this fee shall be determined by the following schedule:

(1) Site plan/Subdivision Review.

[Lot Size (acres)]	Fee	
	Residential	Commercial
0 to .25	\$125	\$200
.25 to 1	\$200	\$250
1 to 5	\$250	\$375
5 plus	\$375	\$500

(2) ~~Residential subdivisions: \$125 base fee, plus:~~

- ~~(a) One family: \$35 per lot.~~
- ~~(b) Two family: \$50 per lot.~~
- ~~(c) Multifamily: \$65 per lot.]~~

- (a) Non-Residential: _____ \$300

<u>Per additional 1000 s/f of new construction</u>	
<u>(parking structures excluded)</u>	<u>\$50</u>
<u>Per 1000 s/f of renovated space</u>	<u>\$20</u>
<u>Per new parking space:</u>	
<u>1-10</u>	<u>\$75</u>
<u>11-50</u>	<u>\$150</u>
<u>51-100</u>	<u>\$300</u>
<u>101-500</u>	<u>\$600</u>
<u>501-1000</u>	<u>\$1,200</u>
<u>1000+</u>	<u>\$2,400</u>
<u>(b) Residential</u>	<u>\$200</u>
<u>Per residential unit or lot</u>	<u>\$50</u>
<u>Per new parking space</u>	<u>\$20</u>
<u>(c) Amendment</u>	<u>\$200</u>
<u>(d) Extension</u>	<u>\$100</u>
<u>(e) Rescheduling</u>	<u>\$100</u>

Section 3. Except as herein amended, Chapter 375 is hereby ratified, continued and approved.

Section 4. This ordinance shall take effect immediately.

**Note: Council Member Conti spoke on this ordinance prior to passage.*

Ordinance Number 62.51.10(As Amended) was Co-Sponsored by Council Member Konev.

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, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Konev moved to amend Ordinance Numbers 66.52.10, 67.52.10 and 74.61.10(As Amended) and requested they be held.

ORDINANCE NUMBER 66.52.10 (As Amended)

AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PARKING TO BLOCK SIDEWALKS OR STAIRS AND IN RELATION TO THE PENALTY THEREFORE

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

Section 1. Section 359-22 (A)(2) of Chapter 359 of the Code of the City of Albany is hereby amended to read as follows:

§ 359-22. Parking, standing and stopping restrictions.

Except as otherwise designated by official signs, signals or markings, the following restrictions will apply in the City of Albany. Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a police officer or official traffic control device, no person shall:

A. Stop, stand or park a vehicle:

(2) On a sidewalk

(3) On a sidewalk, in a manner to block access to a sidewalk or in such a manner to block access to the stairway of a building.

Section 2. Section 359-87 of Chapter 359 of the Code of the City of Albany is hereby amended by adding a new subdivision G to read as follows:

§ 359-87. Schedule of fines.

G. In addition to the penalties provided above, whenever there is a violation of Section 359-22 (A)(3), the vehicle shall be immediately removed pursuant to Section 359-26.

Section 3. This ordinance shall take effect immediately.

ORDINANCE NUMBER 67.52.10 (As amended)

AN ORDINANCE AMENDING ARTICLE II (TAXICABS AND HACKS) OF CHAPTER 353 (VEHICLES FOR HIRE) IN RELATION TO FARES

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

Section 1. Section 353-30 of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:

§ 353-30. Meters ~~Zones~~ and fares.

(A) Each taxicab that is granted a medallion shall be equipped with a taximeter subject to the following conditions:

(1) it shall be in good working condition and shall accurately compute the rate of fare;

(2) it shall be of a make and type acceptable to the Commissioner;

(3) it shall be affixed to the vehicle's dashboard so as to be clearly readable and visible to all passengers in the vehicle.

(B) The rate of fare for taxicabs shall be as follows, regardless of the number of passengers or stops:

(1) The charge for the initial unit is \$2.50.

(2) The charge for each additional unit is \$.40.

(3) The unit of fare is:

(a) one-fifth of a mile, when the taxicab is traveling at 10 miles an hour or more; or

(b) 60 seconds (at a rate of forty cents per minute), when the taxicab is traveling at less than 10 miles an hour.

~~A. For the purpose of establishing the rate of fare which may be charged and collected, the City is divided into seven zones, whose boundaries are as depicted in the map. For the purposes of assisting passengers in understanding the zone fare structure, several landmarks shall be marked in a clear fashion in their approximate location on the map.~~

~~B. Fares.~~

~~(1) Maximum fares shall be as follows:~~

~~(a) Zone A: For the transportation of passengers within Zone A: \$4.50 for one passenger and \$1.50 for each additional passenger.~~

~~(b) Zone B: For transportation within Zone B: \$5.75 for one passenger and \$1.50 for each additional passenger.~~

~~(c) Zone C: For transportation within Zone C: \$5.75 for one passenger and \$1.50 for each additional passenger.~~

~~(d) When the points of origin and destination are between Zones B and C, the fare shall be \$9.75.~~

~~(e) Zone D: For transportation of passengers within Zone D: \$5 for one passenger and \$1.50 for each additional passenger.~~

~~(f) Zone E: For transportation within Zone E: \$5.75 for one passenger and \$1.50 for each additional passenger.~~

~~(g) Zone F: For transportation within Zone F: \$6.25 for one passenger and \$1.50 for each additional passenger.~~

~~(h) Zone G: For transportation within Zone G: \$6.25 for one passenger and \$1.50 for each additional passenger.~~

~~(i) When the points of origin and destination are within Zones F and G, the fare will be \$6.25 for one passenger and \$1.50 for each additional passenger. However, for transportation from Zone G in an easterly direction beyond Zone F, the fare shall be \$11.25.~~

~~(j) When traveling between Zone B or C and Zone D, add \$0.75 to the higher fare.~~

~~(k) When traveling between Zone B or C and Zone E, add \$1.25 to the higher fare.~~

~~(l) When traveling between Zone B or C and Zone F or G, add \$2.50 to the higher fare.~~

~~(m) Except as otherwise indicated in Subsection B(1)(d) and (k) above, the fare for transportation between zones shall be at the rate specified for either the zone of origin or the zone of destination, whichever is higher.~~

~~(n) Waiting time.~~

~~[1] The following amounts may be added to fares for time spent waiting for the taxicab passenger to appear:~~

~~[a] In excess of 15 minutes: \$5.~~

~~[b] In excess of 30 minutes: \$10.~~

~~[c] In excess of 45 minutes: \$15.~~

~~[d] In excess of one hour: \$20.~~

~~[2] An additional \$5 may be added for each fifteen minute increment.~~

(C) ~~(e)~~ Charges for children. There shall be no charge for children five years of age or younger when accompanied by an adult. The maximum number of children allowed to ride for free in any trip shall be three. Each child in excess of this number shall be subject to the adult surcharge for extra passengers.

(D) ~~(2)~~ The above rates shall include, without additional charge, transportation of personal luggage or shopping bags and grocery bags not exceeding 50 pounds.

(E) ~~(3)~~ Nothing contained herein shall preclude the charging of fares less than specified nor prevent the granting of discounts and/or reduced rates to senior citizens or others.

(F) ~~(4)~~ The fares provided for by this section shall be subject to annual review.

~~C. Maps. The map set forth in § 353-30A of this article bearing the seal of the City of Albany depicting both the zones within the City of Albany, fares and waiting time charges established herein and the consumer information set forth therein in a format approved by the Commissioner shall be conspicuously displayed inside every medallioned taxicab so as to be clearly visible to all passengers in the vehicle. In addition, such map shall be clearly affixed to the exterior of every medallioned taxicab. The specific locations and manner of affixation of such maps shall be as prescribed by the rules and regulations promulgated pursuant to this article.~~

Section 2. This ordinance shall take effect six months from the date of enactment.

ORDINANCE NUMBER 74.61.10 (As Amended)

AN ORDINANCE AMENDING ARTICLE II (TAXICABS AND HACKS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INTERIOR REQUIREMENTS

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

Section 1. Section 353-28 of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:

B. Before any taxicab can initially be placed in operation, such vehicle shall be inspected by the Commissioner as to the requirements listed in Subsection A(1) and (2) above, and no taxicab medallion will be issued for such vehicle until it has been found that the exterior and interior of such vehicle is clean, fit and of good appearance and that the heating and air conditioning are in working order. The Commissioner shall inspect all taxicabs for these requirements twice a year.

Section 2. This ordinance shall take effect immediately.

Council Member Konev made a motion to discharge from the Law, Buildings and Code Enforcement Committee Ordinance Number 74.61.10 (As Amended), which was seconded and a roll call vote thereon the motion.

**Note: Council Members Konev, Igoe, Calsolaro, O'Brien, Conti, Fahey and Golby spoke on the motion prior to the roll call vote.*

NOT Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Konev

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

Affirmative 1 Negative 14 Abstain 0

The motion failed.

Council Member O'Brien asked for passage of ORDINANCE NUMBER 76.62.10 (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A CONSERVATION EASEMENT TO THE ALBANY PINE BUSH PRESERVE COMMISSION OVER AND UPON CITY-OWNED LANDS ADJACENT TO THE RAPP ROAD LANDFILL), which had been previously introduced.

**Note: Council Member O'Brien spoke on this ordinance prior to passage.*

Ordinance Number 76.62.10 was Co-Sponsored by Council Member Freeman.

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, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Sano and Fahey moved to amend Ordinance Number 3.11.10 and requested it remained held.

Ordinance Number 3.11.10 (As Amended)

AN ORDINANCE AMENDING SECTION 307-7 (GENERAL PROHIBITIONS) OF CHAPTER 307 (SIGNS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CHANNEL SIGNS

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

Section 1. Section 307-7 Chapter of the Code of the City of Albany is hereby amended to read as follows:

§ 307-7. General Prohibitions.

A. No off-premises signs shall be allowed other than as permitted in § [307-6](#).

B. No sign shall be illuminated or contain flashing, intermittent rotating or moving lights, including individually lighted letters and graphics, except to show time and/or temperature.

C. No sign, ~~or~~ graphics, or television screen shall impair or cause confusion of vehicular or pedestrian traffic, by design, color or placement. No sign shall obstruct the sight distance of the motorist at a street

corner or intersection by placement and location within 25 feet of the intersection of the street or highway lines.

D. No sign or sign support shall be placed upon the roof of any building (except those signs of a landmark, historic or other unique nature).

E. No advertising message shall be spread over more than one sign place along a street or highway.

F. No signage shall contain any obscene or immoral wording or depiction or contain any advertising or other matter which is untruthful.

Section 2. 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, asked for passage and a roll call vote thereon:

RESOLUTION NUMBER 70.71.10R

RESOLUTION OF THE COMMON COUNCIL ESTABLISHING STANDARD WORK DAYS FOR THE COMMON COUNCIL AS REQUIRED BY REGULATION 315.4 OF THE NEW YORK STATE COMPTROLLER EFFECTIVE AUGUST 12, 2009

BE IT RESOLVED, that the Common Council of the City of Albany hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (Based on Record of Activities)
Mayor	Gerald Jennings	7.5	1/1/10-12/31/13	N	23.51
City Treasurer	Kathleen Sheehan	7.5	1/1/10-12/31/13	N	23.25
City Auditor	Leif Engstrom	7.5	1/1/10-12/31/13	N	24.01
Common Council President	Carolyn McLaughlin	6	1/1/10-12/31/13	N	21.50
Council Member	Ronald Bailey	6	1/1/10-12/31/13	N	Did not report
Council Member	Dominick Calsolaro	6	1/1/10-12/31/13	N	23.44
Council Member	Frank Commisso, Jr.	6	1/1/10-12/31/13	N	20.44
Council Member	Richard Conti	6	1/1/10-12/31/13	N	24.28
Council Member	Cathy Fahey	6	1/1/10-12/31/13	N	23.42
Council Member	Lester Freeman	6	1/1/10-12/31/13	N	26.58
Council Member	Leah Golby	6	1/1/10-12/31/13	N	20.39
Council Member	Daniel Herring	6	1/1/10-12/31/13	N	N/A

Council Member	Joseph Igoe	6	1/1/10-12/31/13	N	N/A
Council Member	Jacqueline Jenkins-Cox	6	1/1/10-12/31/13	N	20.44
Council Member	Anton Konev	6	1/1/10-12/31/13	N	Did not report
Council Member	Michael O'Brien	6	1/1/10-12/31/13	N	10.83
Council Member	John Rosenzweig	6	1/1/10-12/31/13	N	24.08
Council Member	James Sano	6	1/1/10-12/31/13	N	24.08
Council Member	Barbara Smith	6	1/1/10-12/31/13	N	27.45

Resolution Number 70.71.10R was Co-Sponsored by Council Member Freeman.

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, Rosenzweig, Sano, and Smith

Present – Konev

Affirmative 14 Negative 0 Abstain 0 Present 1

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

Resolution Number 71.71.10R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH THE COLLEGE OF SAINT ROSE FOR THE USE AND OCCUPANCY OF PORTIONS OF THE CITY RIGHT-OF-WAYS LOCATED ON HUDSON AVENUE, MADISON AVENUE, PARTRIDGE STREET, WESTERN AVENUE AND YATES STREET

RESOLVED, that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with The College of Saint Rose for the use and occupancy of portions of the City right-of-ways on Hudson Avenue, Madison Avenue, Partridge Street, Western Avenue and Yates Street for the erection of identifying and directional signs and their accessory infrastructures 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.

Resolution Number 71.71.10R 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, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 72.71.10R (as amended)

A RESOLUTION SUPPORTING FARMERS' MARKETS IN THE CITY OF ALBANY

WHEREAS, the City of Albany strives to be a "Green City" that includes promoting health, nutrition, and lifestyles that are ecologically sustainable; and

WHEREAS, the City of Albany recognizes the industriousness of Capital Region Farmers who have been and continue to be of importance to the region's economy; and

WHEREAS, farmers' markets support the sustainability of small family farms and the revitalization of communities as well as offering farmers and consumers the opportunity to interact; and

WHEREAS, farmers' market help promote a sense of community by bringing residents together in a public place for a common purpose; and

WHEREAS, the operation of farmers' markets in the City of Albany furthers municipal purposes and furthers programs such as the United States Department of Agriculture food program for Women, Infants and Children (the WIC program), and other New York State Department of Agriculture and Markets nutrition programs; and

WHEREAS, the United States Department of Agriculture strongly supports and promotes the development, operation, and expansion of farmers' markets and other direct-to-consumer marketing activities for agricultural producers; and;

WHEREAS, in the City of Albany there are currently several farmers' markets operating as follows:

Central Avenue Farmers' Market at the Linda Parking Lot, Central Ave at Quail Street, Saturdays 10 AM to 2 PM;

Capital District Physicians Health Plan Farmers Market Patroon Creek Blvd Thursday 11 Am to 1:30 AM;

Downtown Albany Farmers' Market at SUNY Administration Headquarters Thursday 11 AM to 2 PM;

Delaware Area Farmers Market at Delaware Ave, the former St. James lot Tuesday 4 AM to 7 PM;

Dana Park Farmers' Market at the intersection of Lark Street and Madison Avenue, Thursday 8 AM until dark;

Empire State Plaza Farmers' Market at the Empire State Plaza

Wednesday and Friday 10 AM to 2 PM;

Harriman State Campus Farmers Market at Harriman Campus Bldg 8 Thursday 10 AM to 2 PM.

NOW, THEREFORE, BE IT RESOLVED, the City of Albany promotes the expansion of Albany Neighborhood Farmers' Markets and other community supported agriculture programs, community gardens, and other venues which provide healthful foods. The City of Albany encourages residents to patronize our Farmers' Markets and declares August as Farmers' Market Month in the City of Albany.

**Note: Council Members O'Brien, Konev and Conti 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, Herring, Golby, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 73.71.10R

RESOLUTION OF THE COMMON COUNCIL SUPPORTING AN EXPANSION OF THE GENERAL ELECTRIC/ENVIRONMENTAL PROTECTION AGENCY HUDSON RIVER PCB CLEAN-UP TO INCLUDE NAVIGATIONAL DREDGING IN THE NEXT PHASE OF THE HUDSON RIVER DREDGING PROJECT

WHEREAS, the United States Environmental Protection Agency issued a Record of Decision (ROD) in February of 2002 which requires the General Electric Company to dredge PCB-contaminated sediments for a 40-mile stretch of the Hudson River; and

WHEREAS, there is an identified need to dredge several areas of the Hudson River/Champlain Canal channel to a depth of 12-feet for navigational purposes within the aforementioned Hudson River remediation area which is beyond the scope of the PCB remediation action; and

WHEREAS, the removal of these materials in the navigation channel has, heretofore, been unable to be conducted due to PCB contamination within these sediments and its completion is imperative to the restoration of safe commercial and recreational boating on the Hudson River/Champlain Canal; and

WHEREAS, the NYS Canal Corporation does not have environmental dredging equipment and/or disposal sites available which will accommodate the removal of PCB contaminated sediments from certain portions of the Hudson River/Champlain Canal's navigational channel.

NOW, THEREFORE, IT BE RESOLVED, that the Albany Common Council recommends that it is appropriate and cost-effective to the citizens of New York State to address Hudson River/Champlain Canal navigational dredging needs which are identified in certain areas within the proposed federal PCB remediation action concurrently with said remediation action to assure the timely restoration of safe boat navigation on the upper Hudson River area; and.

BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to: United States Senators Charles E. Schumer and Kirsten E. Gillibrand; United States Representatives Paul Tonko and Scott Murphy; Governor David A. Paterson; New York State Senators Neil Breslin, Elizabeth Little, Roy J. McDonald; New York State Assemblymembers Jack McEneny, Ron Canestrari, Tony Jordan, Steven Englebright; New York State Department of Environmental Conservation Commissioner Alexander Grannis; New York State Office of Parks, Recreation and Historic Preservation Commissioner Carol Ash; New York State Department of Agriculture and Markets Commissioner Patrick Hooker; United States Environmental Protection Agency Region 2 Administrator Judith Enck; United States Environmental Protection Agency Hudson River Field Office Director David H. King; and New York State Canal Corporation Director Carmella R. Mantello.

Resolution Number 73.71.10R was Co-Sponsored by Council Members Bailey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith.

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

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

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 74.71.10R

RESOLUTION HONORING THE LIFE OF REVEREND JOHN JACK JOHNSON

WHEREAS, the Reverend John Jack Johnson passed in July of 2004 but his legacy to the people of Albany continues, and

WHEREAS, his commitment to God, his love for people, especially young people, has been exemplified in hundreds if not thousands of people across America. Educators, lawyers, technicians, governmental, religious leaders, and just ordinary people trace much of their success to his teaching, his counseling, and his tenacious support, both financial, and personal and

WHEREAS, the St. John's Church of God in Christ (COGIC) has declared July 16-18, 2010, as the first St. John's Cogic Founder Day Reunion Weekend. This weekend will be filled with memorabilia of Elder Jack and St John's, from the 50's, the 60's, the 70's, the 80's, and the 90's, and

WHEREAS, the St. John's Cogic is also embarking on a venture to build a brand new St. John's Community and Family Worship Center. True to the vision planned by Elder Johnson, this Worship Center is to be built in the South End of Albany.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby commemorates the life of Reverend John Jack Johnson and recognizes his contributions to the people of the City of Albany.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Common Council wishes St. John's Cogic the best of luck in their building campaign to build a new Community and Family Worship Center.

**Note: Council Member Freeman 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, Herring, Golby, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Sano introduced the following, which was approved:

Resolution Number 75.71.10R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF THE PAYROLL/ACCOUNTS PAYABLE SUPERVISOR AND ONE PAYROLL/ACCOUNTS PAYABLE ADMINSTRATOR POSITION AND REPLACING THEM WITH A PAYROLL MANAGER POSITION IN THE OFFICE OF THE CITY TREASURER

RESOLVED, that the Charter 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.

RESOLVED, that it is recognized that the needs of the Payroll Department require the skills and abilities of a Payroll Manager rather than those of a Payroll Supervisor.

RESOLVED, that it is in the best interest of the City of Albany and the Office of the City Treasurer to eliminate the current Payroll Supervisor and one Payroll Administrator positions and replace them with one Payroll Manager position.

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

Affirmative – Calsolaro, Commisso, Conti, Fahey, Herring, Golby, Igoe, Konev, O’Brien, Rosenzweig, Sano, and Smith

Negative – Freeman and Jenkins-Cox

Present – Bailey

Affirmative 12 Negative 2 Abstain 0 Present 1

Council Member Sano introduced the following, which was approved:

Resolution Number 76.71.10R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF THE ACCOUNT CLERK POSITION AND REPLACING IT WITH AN ANALYST POSITION IN THE OFFICE OF AUDIT AND CONTROL

RESOLVED, that the Charter 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.

RESOLVED, that it is recognized that the needs of the Office of Audit and Control require the skills and abilities of an Analyst rather than those of an Account Clerk.

RESOLVED, that it is in the best interest of the City of Albany and the Office of Audit and Control to eliminate the current Account Clerk position and replacing it with an Analyst position.

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

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

Negative – Jenkins-Cox

Present – Bailey

Affirmative 13 Negative 1 Abstain 0 Present 1

Council Member Conti asked and received majority consent to add Resolution Numbers 77.71.10R, 78.71.10R, 79.71.10R, 79.71.10R, and 80.71.10R to the pending agenda, which was approved by unanimous voice vote.

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

Resolution Number 77.71.10R(MC)

RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE DEPARTMENT OF DEVELOPMENT AND PLANNING IN ITS APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR FUNDING UNDER THE PARK DEVELOPMENT AND PLANNING PROGRAM

WHEREAS, the Department of Development and Planning is applying to the New York State Office of Parks, Recreation and Historic Preservation for funding under the Park Development and Planning Program for a grant in an amount not to exceed \$318,750.00 to aid in the rehabilitation of the North Swan Street Park, in the City of Albany; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the park is located.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the Department of Development and Planning, by Director of Planning Douglas Melnick, for a grant from the New York State Parks, Recreation and Historic Preservation for funding under the Park Development and Planning Program for a grant in an amount not to exceed \$318,750.00 to aid in the rehabilitation of the North Swan Street Park.

BE IT FURTHER RESOLVED, that upon the awarding of said grant the Department of Development and Planning is authorized to execute a project agreement with the State of New York for financial assistance for rehabilitation of the North Swan Street Park.

**Note: Council Member Smith spoke on this resolution prior to passage.*

Resolution Number 77.71.10R was Co-Sponsored by Council Members Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig and Sano.

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

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

Affirmative 15 Negative 0 Abstain 0

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

RESOLUTION NUMBER 78.71.10R (MC)

RESOLUTION HONORING AND WELCOMING U. S. CONGRESSMAN AND CIVIL RIGHTS HERO JOHN LEWIS TO ALBANY ON JULY 9, 2010

WHEREAS, U. S. Congressman John Lewis of Georgia's Fifth Congressional District has devoted his life to working for justice as a leader of the U. S. Civil Rights movement, as an outspoken champion of global human rights, and as an elected official; and

WHEREAS, Congressman Lewis was born the son of sharecroppers outside of Troy, Alabama in 1940, graduated from Fisk University, and became involved in the Civil Rights struggle while he was still a teenager; and

WHEREAS, Congressman Lewis organized sit-ins, was a Freedom Rider, and from 1963-1966 served as Chairman of the Student Nonviolent Coordinating Committee (SNCC) a transformational student led organization which was on the cutting edge of Civil Rights activism; and

WHEREAS, Congressman Lewis was a keynote speaker at the historic 1963 March on Washington for Jobs and Freedom and as the youngest speaker on that occasion is the only keynote speaker still living; and

WHEREAS, in 1965 Congressman Lewis and Hosea Williams led a peaceful protest for voting rights in Selma, Alabama at which Alabama state troopers and local police attacked the marchers, including Congressman Lewis, on a day now referred to as “Bloody Sunday”; and

WHEREAS, the events in Selma and the nation’s response to them hastened the passage of the Voting Rights Act of 1965; and

WHEREAS, Congressman Lewis has been steadfast in his commitment to nonviolence and to building “The Beloved Community” even in the face of physical brutality and verbal abuse; and

WHEREAS, Congressman Lewis has served in the House of Representatives since 1986 and his unwavering moral principles and ethical standards prompt many of his colleagues on both sides of the aisle to consider him the conscience of the Congress.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council recognizes Congressman John Lewis whose courage and commitment have transformed this nation’s history. The City of Albany welcomes him, is honored by his presence, and expresses deepest gratitude that he will take the time on Friday, July 9, 2010 to meet and share his wisdom with our residents, especially with our youth.

**Note: Council Members Bailey, Konev, Smith McLaughlin and Freeman 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, Herring, Golby, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

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

RESOLUTION NUMBER 79.71.10R (MC)

RESOLUTION SUPPORTING THE RESTORATION OF CHERRY HILL AND THE GRANT APPLICATION OF HISTORIC CHERRY HILL TO THE ENVIRONMENTAL PROTECTION FUND

WHEREAS, built in 1787 on the Hudson River for the Van Rensselaer family in Albany, Cherry Hill is listed on the New York State and National Registers of Historic Places. and

WHEREAS, today, Historic Cherry Hill tells a nationally significant story through a personal family lens to visitors from throughout the U.S. and abroad, and the site has won numerous regional and national awards for its education programs and publications that help teachers meet New York State learning standards, and

WHEREAS, Historic Cherry Hill has applied for a grant through the Environmental Protection Fund to undertake sorely needed repairs and to restore the Georgian-style home, ensuring that the landmark will remain an educational resource for generations of New Yorkers to come and an important piece of Albany history, and

WHEREAS, particular issues to be addressed with these grant funds include: design and installation of an HVAC/climate control/fire detection and suppression system; plaster repair and wood lathe replacement; refinishing of wood flooring; wood trim repair and replacement; decommissioning of abandoned wiring; wallpaper replacement; interior hardware repair and interior and exterior painting.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany supports Historic Cherry Hill in their efforts to obtain this grant funding to restore and reopen this important landmark to the City of Albany and the State of New York

**Note: Council Member Calsolaro 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, Herring, Golby, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 80.71.10(MC)

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF SANDRA FOX AS A MEMBER OF THE PLANNING BOARD

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter appointed Sandra Fox as a member of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that Sandra Fox be confirmed as a member of the Planning Board for a term of five (5) years, ending December 31st, 2014.
Council Member Sano moved to amend and as amended asked for passage and a roll call vote thereon:

Resolution Number 51.51.10R (as amended)

RESOLUTION OF THE COMMON COUNCIL PROCLAIMING THAT MAY 12, 2010 WAS JERUSALEM DAY IN THE CITY OF ALBANY

WHEREAS, Yom Yerushalayim – Jerusalem Day – is a national holiday in Israel; and

WHEREAS, on Wednesday, May 12, 2010, at Temple Israel in Albany, the Jewish community and Christian Zionist community came together to celebrate the first Capital District community commemoration of Jerusalem Day; and

WHEREAS, events included a rally for the peace of Jerusalem and a unity celebration commemorating the 43rd anniversary of the reunification of Jerusalem; and

WHEREAS, in addition, four local “Israel Heroes” were honored for inspiring Capital District residents and their contributions to the Jewish community; and

WHEREAS, The Israel Center in Albany (JERNY), the Light of the World Christian Church in Latham, the Jewish Federation of Northeastern New York, and over 20 other area organizations participated in the commemoration of this exciting event.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby proclaims that May 12, 2010 was Jerusalem Day in the City of Albany.

BE IT FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed be transmitted to the Israel Center in Albany.

**Note: Resolution 51.51.10R(As Amended) was Co-Sponsored by Council Members Freeman, Golby and Konev.*

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

Affirmative – Commisso, Freeman, Herring, Golby, Igoe, Jenkins-Cox, Konev, Rosenzweig, and Sano

Present – Bailey, Calsolaro, Conti, Fahey, O’Brien, and Smith

Affirmative 9 Negative 0 Abstain 0 Present 6

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Herring offered the following, which was amended to have a name removed due to an incomplete address and then 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, 2010, AND WAIVE THE READING OF THE NAMES:

Burke, Sr. Patrick J, 19 Keeler Drive, Albany, NY 12208

Council Member Freeman discussed maintenance of the Council Chambers.

Council Members Calsolaro, Conti, Fahey, Golby, Konev and discussed issues related to the Albany Medical Center expansion project. Council President McLaughlin also spoke on this issue and Community Benefit agreements.

Council Member O'Brien discussed the BZA agenda w/ staff recommendations.

ADJOURNMENT

Council President Pro Tempore Conti moved for adjournment.

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

A true record of the Common Council Minutes of July 8th, 2010.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL