

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, July 19, 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, and Patrick Jordan.

Council Member Igoe led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Alice Green, 509 W. Lawrence St., Albany, NY 12208 (Police Chief Confirmation)
2. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Police Chief)
3. Timothy Carney, 266 Delaware Ave., Albany, NY 12209 (Police Chief)
4. Leonard Morgenbesser, 219 Tampa Ave., Albany, NY 12208 (Police Chief/Poverty)
5. Andrew Harvey, 271 Myrtle Ave., Albany, NY 12208 (Albany Medical Center expansion)
6. Charles Touhey, 509 W. Lawrence St., Albany, NY 12208 (Police Chief)

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 July 12, 2010 to interview Mr. Steven Krokoff as Police Chief. The questioning lasted for three and one-half hours and Resolution 69.62.10R appointing Mr. Steven Krokoff was unanimously favorably recommended out of committee.

Planning, Economic Development and Land Use – Council Member Herring stated the Committee would be meeting on July 28, 2010 immediately following Caucus to discuss Resolution 80.71.10R(MC) confirming the appointment Sandra Fox as a member of the Planning Board.

REPORTS OF AD HOC COMMITTEES

Cable Access – Council Member Rosenzweig stated that the Committee met on Thursday, July 15, 2010 at 5:30pm to discuss the RFP regarding the part-time Public Access Aide and the structure of the PEG Access Television oversight board. The Committee would be sending a response to the Albany Public Library's requested five points before agreeing to house the public component of PEG Access at the library.

Pesticide Ordinance – Council Member Golby stated that the Committee met on July 14, 2010 immediately following Caucus to discuss the pesticide ordinance, and identified a number of areas where committee members had

concern. The Committee was given copies of the new NYS law regarding pesticide use in school playing fields and day care center playgrounds to review. The committee will be meeting again on July 26, 2010.

CONSIDERATION OF ORDINANCES

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

ORDINANCE NUMBER 79.71.10

AN ORDINANCE AMENDING ARTICLE II (PRELIMINARY REQUIREMENTS) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BARRICADE PERMITS

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

Section 1. Section 133-11 of Chapter 133 of the Code of the City of Albany is hereby amended to read as follows:

§ 133-11. Additional information.

A. If the construction is to be executed by any other person than the owner of the land in fee, the name of the person or persons or corporation intending to make such erection or alteration shall also be given, together with a statement of their authority from the owner for such work.

B. Where the construction activity may involve an obstruction to vehicular or pedestrian traffic, a barricade permit for said obstruction shall be applied for pursuant to this section.

C. ~~A barricade permit allowing a temporary obstruction~~ If the obstruction will last for two weeks or less, the barricade permit will be issued at the discretion of the Building Commissioner after he has determined that any contemplated construction or demolition activity will be conducted pursuant to the generally accepted standards of the New York Uniform Code.

D. If the obstruction will last for longer than two weeks, the barricade permit must be approved by majority vote of the Common Council. After approval by the Common Council, the Building Commissioner shall issue the permit after he has determined that any contemplated construction or demolition activity will be conducted pursuant to the generally accepted standards of the New York Uniform Code. The Common Council will consider the following factors prior to approving the permit: the actions that will be taken during each monthly period of the proposed road closure and the purpose of the closing; the alternative locations and options for the barricade; the inconvenience to the neighborhood residents, pedestrians and motorists; and the impact on traffic safety.

E. The barricade permit will be issued for a certain period of time. After the expiration of the permit, a new permit will have to be applied for.

~~D.F.~~ For the purposes of this Part 1, obstructions shall include but are not limited to any automobile, truck, van, crane, backhoe, grader, paver, scaffold, dumpster or any other materials or equipment which, in the determination of the Building Commissioner, would hinder or obstruct the safe passage of vehicular or pedestrian traffic.

~~E.G.~~ The Building Commissioner shall have the authority to issue rules and regulations necessary to carry out the purposes of this section.

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

Resolution Number 81.72.10R

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE AND ISSUING A POSITIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA) AND THE REGULATIONS PROMULGATED THEREUNDER AND REQUIRING THE PREPARATION AND SUBMISSION OF AN ENVIRONMENTAL IMPACT STATEMENT IN CONNECTION WITH REVIEWING THE DRAFT SOLID WASTE MANAGEMENT PLAN FOR THE CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP PLANNING UNIT

WHEREAS, on June 25, 2009, the New York State Department of Environmental Conservation (DEC) issued to the City of Albany, permit # 4-0101-00171/00011 for the purpose of operating and expanding the landfill beyond its current capacity; and

WHEREAS, Special Condition 26(b) of the Permit calls for the Capital Region Solid Waste Management Partnership Planning Unit to have a new long term Solid Waste Management Plan (SWMP) in effect by January 1, 2011; and

WHEREAS, the Common Council has received a long form Environmental Assessment Form (EAF), as well as a Draft Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership Planning Unit; and

WHEREAS, the Council has reviewed the EAF and Draft Solid Waste Management Plan and determined to conduct a coordinated review among all involved agencies; and

WHEREAS, the Common Council is the most involved agency and, as such, is the most appropriate Lead Agency to conduct a review of the plan in accord with SEQRA regulations; and

WHEREAS, more than 30 days have elapsed since the Common Council of the City of Albany issued a Notice of Intent to all members of the Solid Waste Management Partnership Planning Unit and all other involved agencies; and

WHEREAS, no member of the Solid Waste Management Partnership Planning Unit or other involved agency has notified the Common Council of any objection to it taking lead agency status; and

WHEREAS, the record demonstrates that the project may have a significant adverse environmental impact, and that a Positive Declaration of Environmental Significance should be issued in accordance with 6 NYCRR 617.7 (a).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council be and hereby is designated Lead Agency in accordance with SEQRA regulation 6 NYCRR 617.6 (4).

BE IT FURTHER RESOLVED, the Common Council, serving as Lead Agency, hereby issues the attached Positive Declaration requiring the preparation of a Draft Generic Environmental Impact Statement in accordance with 6 NYCRR 617.7 (a).

Resolution Number 81.72.10R 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, Herring, Golby, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Conti asked and received majority consent to add Resolution 82.72.10R to the pending agenda, which was approved by unanimous voice vote.

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

RESOLUTION NUMBER 82.72.10R (MC)

RESOLUTION OF THE COMMON COUNCIL ESTABLISHING STANDARD WORK DAYS FOR ADDITIONAL COMMON COUNCIL MEMBERS AS REQUIRED BY REGULATION 315.4 OF THE NEW YORK STATE COMPTROLLER EFFECTIVE AUGUST 12, 2009 AMENDING THE MAXIMUM DAYS PER MONTH THAT WILL BE REPORTED FOR SUCH OFFICIALS

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)
Council Member	Ronald Bailey	6	1/1/10-12/31/13	N	18.50
Council Member	Anton Konev	6	1/1/10-12/31/13	N	23.28

BE IT FURTHER RESOLVED, that the Personnel Director submit an adjustment report amending the number of days previously reported to the Retirement System.

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 Smith along with Co-Sponsors Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig and Sano asked for passage of Resolution 69.62.10 (RESOLUTION OF THE COMMON COUNCIL CONFIRMING

THE APPOINTMENT OF STEVEN KROKOFF AS THE CHIEF OF THE ALBANY POLICE DEPARTMENT) which had been previously introduced, and a roll call vote thereon.

**Note: Council Members Smith, Konev, Calsolaro, Conti, Fahey and Golby 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

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Smith discussed the closure of Catholic Charities’ Hispanic Outreach Services and the challenges this would present for the community.

Council Member Freeman discussed the need to meet with leadership regarding the upcoming budget process and other issues.

Council Members Konev agreed with Council Member Freeman.

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 19th, 2010.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL