

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

**Monday, July 21, 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, Ellis, Fahey, Fox, Igoe, McLaughlin, O'Brien, Rosenzweig, Scalzo, Smith and Timmons.

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

Council President Morris led the Pledge of Allegiance.

Council Member Conti made a motion to change the order of business to consider Resolution Number 64.72.08R, which was approved by unanimous voice vote.

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

**RESOLUTION NUMBER 64.72.08R**

**RESOLUTION OF THE COMMON COUNCIL HONORING THE MEMORY OF SARAH CURRY-COBB**

**WHEREAS**, Sarah Curry-Cobb, a former member of the Albany Common Council, was taken from our midst on July 1, 2008, and

**WHEREAS**, Sarah was a pioneer in the civil rights movement and city politics and will leave a lasting impression on the City of Albany and those who knew her, and

**WHEREAS**, Sarah worked with Julian Bond and Fannie Lou Hamer in organizing the Mississippi Freedom Democratic Party and the Tennessee Voters Council, helping to get African Americans elected to public office in the deep South, and

**WHEREAS**, Sarah had a distinguished professional career working for the National Urban League in New York City as Deputy to the Director for Economic Development under the Skills Bank Program, which included the Labor Education Apprenticeship Program, the most successful apprenticeship program in the nation. She then served as Director of Equal Employment Programs for the New York State Office of Court Administration and then was recruited for the position of Deputy to the Commissioner for Affirmative Action/Minority Affairs in the Department of Mental Health in Albany. Sarah designed and implemented the agency's Affirmative Action Plan and its Minority Patient Advocacy and Voting Rights Program, and

**WHEREAS**, Sarah served as Chief of Staff for Assemblywoman Aurelia Greene starting in 1988, where she interfaced with the community, unions, lobbyists and employed her own unique ability to be a creative and caring negotiator and partner, and

**WHEREAS**, she served the City of Albany as Fourth Ward Council Member for three consecutive terms, securing funding for numerous community projects, fighting for legislation to improve the lives of her constituents, including the Citizens' Police Review Board, and always insuring that the needs of her community were met, and

**WHEREAS**, Sarah Curry-Cobb was a longtime member of the Metropolitan New Testament Missionary Baptist Church where she served on the Board of Trustees, the Board of Directors for the Drake Manor Senior Complex, the Viola Bonds Senior Usher Board, as a missionary worker for the Edna L. Hamilton Missionary Ministry and as a faithful supporter of the “Progressive 500” Ministry. Her faith and commitment to God and her church will serve as an inspiration to those remaining, and

**WHEREAS**, Sarah Curry-Cobb was a person of the highest character who worked for the improvement of conditions in her Ward, in the nation and left the world a better place.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany expresses its deepest regret upon the death of Sarah Curry-Cobb and offers its sincere sympathy to the members of her bereaved family, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution, appropriately inscribed, be delivered to the family of the late Sarah McCloud Curry-Cobb.

*\*Note: There was discussion from Council Members McLaughlin, Conti, Calsolaro and Council President Morris on their experiences and contribution of Ms. Sarah Curry-Cobb.*

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

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fox, Fahey, Igoe, McLaughlin, O’Brien, Rosenzweig, Scalzo, Smith and Timmons

Affirmative 13 Negative 0 Abstain 0

**PUBLIC COMMENT PERIOD**

- 1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Community Action)
- 2. Theresa Weston, 87B Third Ave., Albany, NY 12202 (Children/Lucille McKnight)

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

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Council Member Conti made a motion to approve the minutes of June 2, 2008, which was approved by unanimous voice vote.

**CONSIDERATION OF LOCAL LAWS**

Council Member Conti on behalf of Council Members McLaughlin, Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, O’Brien, Rosenzweig, Sano and Smith introduced the following, which was held:

**LOCAL LAW I - 2008**

**A LOCAL LAW AMENDING ARTICLE III (SENIOR CITIZEN TAX EXEMPTION) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY TO INCREASE THE MAXIMUM INCOME ELIGIBILITY LEVELS IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 467**

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

ARTICLE III

SENIOR CITIZEN TAX EXEMPTION

Section 1. Section 333-34 (Eligibility) of Article III of Chapter 333 of the Code of the City of Albany is hereby amended to read as follows:

Section 333-34. Eligibility.

A. Pursuant to § 467 of the Real Property Tax Law of the State of New York, real property located in the City of Albany and owned by one or more persons, each of whom is 65 years of age or over, or real property owned by the husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation according to the following eligibility schedule:

<u>Annual Income</u>	<u>Percentage of Assessed Value Exempt from Taxation</u>
[\$27,000] <u>\$28,000</u> or less	50%
More than [\$27,000] <u>\$28,000</u> and up to [\$28,000] <u>\$29,000</u>	45%
More than [\$28,000] <u>\$29,000</u> and up to [\$29,000] <u>\$30,000</u>	40%
More than [\$29,000] <u>\$30,000</u> and up to [\$30,000] <u>\$31,000</u>	35%
More than [\$30,000] <u>\$31,000</u> and up to [\$30,900] <u>\$31,900</u>	30%
More than [\$30,900] <u>\$31,900</u> and up to [\$31,800] <u>\$32,800</u>	25%
More than [\$31,800] <u>\$32,800</u> and up to [\$32,700] <u>\$33,700</u>	20%
More than [\$32,700] <u>\$33,700</u> and up to [\$33,600] <u>\$34,600</u>	15%
More than [\$33,600] <u>\$34,600</u> and up to [\$34,500] <u>\$35,500</u>	10%
More than [\$34,500] <u>\$35,500</u> and up to [\$35,400] <u>\$36,400</u>	5%
More than [\$32,400] <u>\$35,400</u>	0%

Section 2. Section 333-35 (Exceptions) of Article III of Chapter 333 of the Code of the City of Albany is hereby amended to read as follows:

Section 333-35. Exceptions.

No exemption shall be granted:

A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds [\$35,400] \$36,400. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year; where title is vested in either the husband or his wife, their combined income may not exceed such sum. Such income shall include social

security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income for self-employment, but shall not include a return of capital, gifts or inheritance. In computing net rental income and net income for self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

**Section 3. The provisions of this local law shall take effect after final passage, public hearing and filing as required by law and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after January 1, 2009.**

**Section 4. Except a herein amended, Article III of Chapter 333 of the Code of the City of Albany is hereby ratified, continued and approved.**  
 Matter underlined is new; matter in [BRACKETS] is to be deleted.

Council Members McLaughlin, Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, O'Brien, Rosenzweig, Sano and Smith introduced the following, which was held:

**LOCAL LAW J - 2008**

**A LOCAL LAW AMENDING ARTICLE XIII (EXEMPTION FOR DISABLED PERSONS WITH LIMITED INCOMES) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY TO INCREASE THE MAXIMUM INCOME ELIGIBILITY LEVELS IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 459-c**

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

**Section 1. Section 333-108 of Article XIII of Chapter 333 of the Code of the City of Albany is hereby amended to read as follows:**

**Section 333-108. Persons with Disabilities and Limited Incomes.**

Effective as hereinafter provided, there shall be an exemption from taxation for general city purposes to the extent of the percentage of assessed valuation provided in the following schedule, determined by the maximum income exemption eligibility level also provided in the following schedule up to a maximum of fifty percent (50%) of the assessed valuation of real property owned by a husband or wife, or both, or by siblings, at least one of whom has a disability, or whose income, as hereinafter defined, is limited by reason of such disability:

<u>Annual Income</u>	<u>Percentage of Assessed Value Exempt from Taxation</u>
[\$27,000] <del>\$28,000</del> or less	50%
More than [\$27,000] <del>\$28,000</del> and up to [\$28,000] <del>\$29,000</del>	45%
More than [\$28,000] <del>\$29,000</del> and up to [\$29,000] <del>\$30,000</del>	40%
More than [\$29,000] <del>\$30,000</del> and up to [\$30,000] <del>\$31,000</del>	35%
More than [\$31,000] <del>\$30,000</del> and up to [\$30,900] <del>\$31,900</del>	30%
More than [\$30,900] <del>\$31,900</del> and up to [\$31,800] <del>\$32,800</del>	25%

More than [\$31,800] <u>\$32,800</u> and up to [\$32,700] <u>\$33,700</u>	20%
More than [\$32,700] <u>\$33,700</u> and up to [\$33,600] <u>\$34,600</u>	15%
More than [\$33,600] <u>\$34,600</u> and up to [\$34,500] <u>\$35,500</u>	10%
More than [\$34,500] <u>\$35,500</u> and up to [\$35,400] <u>\$36,400</u>	5%
More than [\$32,400] <u>\$35,400</u>	0%

**Section 2. The provisions of this local law shall take effect after final passage, public hearing and filing as required by law and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after January 1, 2009.**

**Section 3. Except a herein amended, Article XIII of Chapter 333 of the Code of the City of Albany is hereby ratified, continued and approved.**

Council Member Conti asked for passage of LOCAL LAW C-2007 (As Amended May 19, 2008) (A LOCAL LAW AMENDING SECTION 603(D) OF THE CITY OF ALBANY CHARTER IN RELATION TO THE AUTHORITY OF THE BOARD OF ESTIMATE AND APPORTIONMENT TO TRANSFER BUDGETED FUNDS RELATED TO SALARY RATES OR SALARY TOTALS), which has been previously introduced.

*\*Note: There was discussion from Council Member Conti explaining the purpose of Local Law C-2007 (As Amended). There was discussion from Council Members Calsolaro and Ellis in support of this Local Law. There was discussion from Council Members Casey, Igoe and Rosenzweig on concerns with this Local Law.*

*Local Law C-2007 (As Amended 5/19/08) was Co-Sponsored by Council Members Ellis, McLaughlin and Smith.*

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

Affirmative -- Calsolaro, Conti, Ellis, Fahey, McLaughlin, O'Brien, Scalzo, and Smith

Negative -- Casey, Fox, Igoe, Rosenzweig and Timmons

Affirmative    8        Negative        5        Abstain        0

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 meeting scheduled for July 29, 2008 had been cancelled because all parties were not available and rescheduled for August 13, 2008.

**Law, Buildings and Code Enforcement** – Council Member Igoe stated that the Committee would be meeting on July 29, 2008 to discuss Ordinance 55.72.08(MC) and Local Law H-2008.

**CONSIDERATION OF ORDINANCES**

Council Member O'Brien introduced the following, which was held:

**Ordinance Number 54.72.08**

**N ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF A PORTION OF INDUSTRIAL PARK ROAD IN THE CITY OF ALBANY**

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

Section 1. It is hereby ordered and directed that the portion of Industrial Park Road adjacent to 25 Industrial Park Road, measuring approximately 535 feet or 32,100± s.f., be discontinued and closed.

Section 2. It is hereby determined that the aforesaid right-of-way has been abandoned for municipal or public purposes.

Section 3. The form, content and description of the right-of-way to be closed shall be approved by the Corporation Counsel.

**Section 4. This ordinance shall take effect immediately after public hearing and final passage.**

Council Member Conti asked and received majority consent to add 55.72.08 to the pending agenda, which was approved by unanimous voice vote.

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

**Ordinance Number 55.72.08(MC)**

**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**

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

**Section 1. Section 303-16 of Chapter 303 of the Code of the City of Albany is amended to read as follows:**

§ 303-16. Hours of operation.

- A. Residential/mixed-use districts. Cafes located in residential/mixed use districts shall be open for business not before 8:00 a.m. and shall close by 11:00 p.m.
- B. Nonresidential districts. Cafes located in nonresidential zoning districts shall be open for business not before 8:00 a.m. and shall close by 2:00 a.m.
- C. Notwithstanding subsection A of this section, sidewalk cafes located within the boundaries of the Lark Street Area Business Improvement District, as established in accordance with Article II of Chapter 142 of this Code, shall close by 12:00 midnight.

**Section 2. This ordinance shall take effect immediately and shall expire and be deemed repealed on April 30, 2009.**

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

**CONSIDERATION OF RESOLUTIONS**

Council Member Rosenzweig offered the following, which was held:

**Resolution Number 63.72.08R**

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CITY OF ALBANY'S DEPARTMENT OF DEVELOPMENT AND PLANNING IN ITS APPLICATION TO THE NEW YORK STATE DEPARTMENT OF STATE ENVIRONMENTAL PROTECTION FUND FOR STATE ASSISTANCE PAYMENTS FOR THE LOCAL WATERFRONT REVITALIZATION PROGRAM FOR THE YEAR 2008-2009**

**WHEREAS**, the City of Albany's Department of Development and Planning is applying to the New York State Department of State for funding under the Environmental Protection Fund to aid in the implementation of the Local Waterfront Revitalization Program for 2008-2009; and

**WHEREAS**, the grant application requires that the applicant obtain the approval and 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 the Department of Development and Planning for funding from the New York State Department of State Environmental Protection Fund to assist the City of Albany's Local Waterfront Revitalization Program for 2008-2009 in the amount of \$130,000.

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

**Resolution Number 65.72.08R**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF ALBANY TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ALBANY, CITY OF COHOES, CITY OF WATERVLIET, TOWN OF BETHLEHEM, TOWN OF COLONIE, TOWN OF GUILDERLAND, TOWN OF NEW SCOTLAND, VILLAGE OF COLONIE, VILLAGE OF GREEN ISLAND, VILLAGE OF MENANDS AND VILLAGE OF VOORHEESVILLE CREATING A REGIONAL STORMWATER COALITION**

**WHEREAS**, the City of Albany is subject to the Municipal Separate Storm Sewer Systems (MS4) SPDES permit, General Permit 0-08-0-002 administered by the NYS Department of Environmental Conservation (DEC); and

**WHEREAS**, the municipalities in Albany County have been meeting regularly to exchange information and coordinate compliance efforts; and

**WHEREAS**, these efforts have been supported by a grant by the DEC which will expire at the end of 2008; and

**WHEREAS**, the municipalities are desirous of continuing these cooperative efforts after the expiration of the grant; and

**WHEREAS**, the municipalities have negotiated an inter-municipal cooperative agreement pursuant to General Municipal Law Article 5-G.

**NOW, THEREFORE BE IT RESOLVED**, that the Common Council hereby authorizes the Mayor of the City of Albany to execute the inter-municipal agreement, creating a regional Stormwater Coalition, on behalf of the City of Albany.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

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

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, McLaughlin, O’Brien, Rosenzweig, Scalzo, Smith, and Timmons

Affirmative    13    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:

Thomas, Nancy W., 12 East Road, Voorheesville, NY 12186

**ADJOURNMENT**

Council Member Conti asked that Council Members Herring and Sano 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 July 21<sup>st</sup>, 2008.

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