

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

**Monday, August 4, 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, Sano, and Smith.

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

Council Member Igoe led the Pledge of Allegiance.

Council Member Conti made a motion to change the order of business to consider Resolution Number 67.81.08R, which was approved by unanimous voice vote.

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

**RESOLUTION NUMBER 67.81.08R**

**RESOLUTION OF THE COMMON COUNCIL HONORING DETECTIVE KIMBERLY MCCOY UPON THE OCCASION OF HER RETIREMENT FROM THE ALBANY POLICE DEPARTMENT**

**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**, Officer Kimberly McCoy started as a Patrol Officer in 1988 with the City of Albany Police Department; and

**WHEREAS**, in 1996 she was promoted to a Detective with the Criminal Investigation Unit where she investigated homicides, burglaries, robberies and rapes; and

**WHEREAS**, in 1998 she transferred to the Children Family Services Unit where she investigated domestic violence incidents, homicide and sexual assault crimes. During these ten years with this Unit she was an active participant in Community Outreach and the Truancy Program and became a certified trainer with the Department of Criminal Justice; and

**WHEREAS**, Detective McCoy received numerous awards during her career including the Albany Police Department Life Saving Medal, the Albany Police Department Exceptional Duty Medal, the Albany County District Attorney's Office Official Letters of Recognition, the New York State Attorney General Award, the New York State Governor's Justice Award to End Domestic Violence, and the Siena College Recognition Award for Exemplary Service; and

**WHEREAS**, during her tenor as a member of the Albany Police Department, Detective McCoy also served as a Crisis Negotiator, Employee Assistance Program Peer Coordinator, as a Founding Member of the City of Albany Domestic Violence Court, as a member of the College Safety Grant Initiative for Violence Against Women-Safety on College Campus Grant, as a member of ACCADA, as a Rape Crisis Trainer for the Crime Victims Sexual Violence Center, and on the Emergency Services Team as an entry team member and certified sniper.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany wishes to thank Detective Kimberly McCoy for over twenty years of service and commitment to the Albany Police Department and wishes her the best of luck in all of her future endeavors.

*\*Note: Council Member Rosenzweig read Resolution 67.81.08R aloud and presented a formal copy to Officer McCoy.*

**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, Sano, and Smith

Affirmative 12 Negative 0 Abstain 0

## **PUBLIC HEARING**

**City Clerk Marsolais read the following Notice of Public Hearing:**

### **PUBLIC NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations and Chapter 375 of the Code of the City of Albany Article V, the City of Albany Common Council, as SEQRA lead agency, will conduct a consolidated public hearing for this Type I action, on August 4, 2008 at 7:00 p.m., in the Common Council Chambers on the second floor of City Hall, Albany, New York to consider a Supplemental Draft Environmental Impact Statement ("Supplemental DEIS") for the 124-unit Residence Inn hotel facility, and associated improvements, ancillary parking and site infrastructure on ±3.6 acres of land on the south of Washington Avenue Extension, in the City of Albany, New York, commonly known as 124-128R Washington Avenue Extension (the "Site") and rezoning of the Site from the R-1B Single Family Medium-Density Residential Zoning District to C-2 Highway Commercial Zoning District. The SEQRA public comment period shall commence upon filing of the Supplemental DEIS and end at the close of business on August 15, 2008, during which period the public may submit written and oral comments on the Supplemental DEIS and the proposed rezoning. Written comments should be submitted to the lead agency at the Department of Development and Planning, 21 Lodge Street, Albany, New York 12207.

Copies of the Supplemental DEIS are available for public inspection during normal business hours in the Department of Development and Planning at 21 Lodge Street, Albany, New York 12207 (For additional information contact: Richard Nicholson, (518) 434-2532 x 29).

**The following individuals appeared to speak at the hearing:**

1. Dan Hershberg Representative, Developer
1. Neil Gifford, Albany Pine Bush Commission
2. Rezsini Adams, 112 Chestnut St., Albany, NY
3. John Wolcott, 342 Sheridan Ave., Albany, NY
4. Lynne Jackson, 223 S. Swan St., Albany, NY
5. Susan Hawkes-Teeter, 1833 Helderberg Trail, Berne, NY
6. Vincent Riguso, 13 Beach Ave., Albany, NY
7. Sally Cummings, No address given
8. Grace Nichols, 13 Western Ave., Albany, NY
9. Robert Dworkin, 24 Woodbridge St., Albany, NY
10. Yvonne Demarino, Guilderland, NY

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

**PUBLIC COMMENT PERIOD**

1. Vincent Riguso, 13 Beach Ave., Albany, NY (Too Much Trash in Landfill)
2. Steven Rosario, 99 Washington Ave., Albany, NY(Ordinance 56.81.08, Plastic Bags)

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

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

DEFERRED

**CONSIDERATION OF LOCAL LAWS**

Council Member Igoe asked for passage of LOCAL LAW H-2008 (A LOCAL LAW AMENDING CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY BY ADDING THERETO A NEW ARTICLE XIV TO BE ENTITLED: “STORMWATER MANAGEMENT AND EROSION CONTROL”), which had been previously introduced.

**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, Sano, and Smith

Affirmative 12 Negative 0 Abstain 0

Council Members McLaughlin, Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, O’Brien, Rosenzweig, Sano, and Smith asked for passage of 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), which had been previously introduced.

**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, Sano, and Smith

Affirmative 12 Negative 0 Abstain 0

Council Members McLaughlin, Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, O’Brien, Rosenzweig, Sano, and Smith asked for passage of 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), which had been previously introduced.

**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, Sano, and Smith

Affirmative 12 Negative 0 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**

**Law, Buildings and Code Enforcement** – Council Member Igoe stated that the Committee met on July 29, 2008 to discuss Ordinance 55.72.08(MC) and Local Law H-2008. The Committee favorably recommended Local Law H-2008. Ordinance 55.72.08 with an amendment to the sunset date was also favorably recommended.

**Finance Taxation and Assessment** – Council Member Sano stated that committee would be meeting on August 12, 2008 at 5PM to discuss the 2<sup>nd</sup> quarter financial report with Comptroller Nitido and to have further discussion on debt policy.

## **CONSIDERATION OF ORDINANCES**

Council Member Casey introduced the following, which was referred to the General Services, Health and Environment Committee:

### **Ordinance Number 56.81.08**

#### **AN ORDINANCE AMENDING CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VII TO BE ENTITLED PLASTIC CARRYOUT BAGS**

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

**Section 1. Chapter 313 of the Code of the City of Albany is hereby amended by adding thereto a new Article VII to read as follows:**

#### **Article VII Plastic Carryout Bags**

##### **Section 313-56. Legislative Intent.**

It is hereby declared to be the public policy of the City of Albany to reduce environmental pollution, to reduce the toxicity of waste materials in the solid waste stream directed to resource recovery and sanitary landfill facilities, and to maximize the removal of plastic bags from the waste stream. Plastic carryout bags do not biodegrade, which means that such bags and film plastic ultimately break down into smaller pieces that enter the ecosystem. These pieces of plastic cause illness, injury and death to animal and marine life by entangling them or contaminating their food supplies. The production of plastic bags worldwide uses over 12 million barrels of oil per year, which causes significant environmental impacts.

##### **Section 313-57. Plastic carryout bags prohibited.**

###### **A. Definitions.**

1. “Plastic carryout bag” means a plastic bag provided by a store to a consumer at the point of sale that is not a reusable bag.

2. "Store" means a retail or wholesale establishment, including food service establishments, that sells products and provides plastic carryout bags to consumers in which to place these products.

B. Stores within the City of Albany shall not be permitted to use plastic carryout bags.

**Section 313-58. Penalties.**

Any store operator who violates the provisions of this Article shall be liable for a penalty in the amount of: (1) one hundred dollars for the first violation; (2) seven hundred dollars for the second violation within a twelve-month period of the first violation; and (3) one thousand dollars for the third violation within such twelve-month period.

**Section 2. This ordinance shall take effect immediately.**

Council Member Conti asked and received majority consent to add 57.81.08 to the pending agenda, which was approved by unanimous voice vote.

Council Member Sano introduced the following, which was held.

**Ordinance Number 57.81.08(MC)**

**AN ORDINANCE AUTHORIZING AND ENACTING THE IMPLEMENTATION OF A PARKING VIOLATIONS AMNESTY PROGRAM (2008) AND AMENDING CHAPTER 247 OF THE CODE OF THE CITY OF ALBANY ACCORDINGLY**

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

**Section 1. Chapter 247 of the Code of the City of Albany is hereby amended to read as follows:**

**CHAPTER 247**

**PARKING VIOLATIONS AMNESTY PROGRAM – [~~2003~~] 2008**

Section 247-1. There is hereby enacted for the City of Albany a parking violations amnesty program whereby the Treasurer of the City of Albany and/or her designee may cancel, in whole or in part, any penalties imposed for a traffic infraction constituting parking, standing or stopping violations issued within the City of Albany as hereinafter set forth.

Section 247-2. The Albany parking violations amnesty program shall only apply to such violations issued on or before [~~June 16, 2003~~] July 31, 2008 and shall be effective for a period commencing [~~September 15, 2003~~] September 12, 2008 and ending [~~December 12, 2003~~] December 12, 2008. Amnesty for such tickets shall only be available to individuals prior to an immobilization device being placed on said individual's vehicle and/or prior to said individual's vehicle being towed pursuant to Chapter 359 of the Code of the City of Albany.

Section 247-3. The Treasurer shall develop and implement an advertising campaign to adequately inform the public of the amnesty program which shall consist of announcements on radio, television and/or in the print media.

Section 247-4. The Treasurer is hereby authorized and directed to promulgate rules and regulations not inconsistent with the provisions hereof to effectuate the program.

**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 Casey offered the following, which was referred to the Public Safety Committee:

**Resolution Number 66.81.08R**

**RESOLUTION IMPLEMENTING A GRANT PROGRAM TO FUND COMMUNITY-BASED SAFETY INITIATIVES**

**WHEREAS**, residents are in the best position to understand the tools and strategies for making their neighborhood safer, and

**WHEREAS**, providing monetary assistance to neighborhoods groups for community based safety initiatives will help to make the City of Albany a safer place, and

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council hereby establishes a Neighborhood Grant Program to fund community-based safety initiatives. Any established neighborhood association or other community-based organization active within a ward may apply for a grant from the Mayor. The application shall contain the information and be in the form that the Mayor requires. The Mayor shall make all decisions approving or disapproving an application and, making a grant, may impose any limitations or conditions that the Mayor considers necessary or appropriate. All decisions of the Mayor are final and nonappealable.

**BE IT FURTHER RESOLVED**, that pursuant to Chapter 75 of the Code of the City of Albany this resolution contains binding city policy, which must be placed in the Policy Documents Repository.

Council Member Rosenzweig asked for passage 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), which had been previously introduced.

*Resolution 63.72.08R was Co-Sponsored by Council Members Igoe and Sano.*

**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, Sano, and Smith

Affirmative 12 Negative 0 Abstain 0

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

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Council Member Smith discussed concerns about the Public Safety Committee meetings because there are still issues that need to be addressed regarding APD staffing & reorganization.

Council Member O'Brien discussed neighborhood associations wanting to know about the APD reorganization and the "block by block" initiative.

Council Member Calsolaro discussed concerns regarding too much AFD over time, not just APD.

Council Member Rosenzweig discussed wanting to strengthen authority of the Public Safety Committee.

Council Member Sano reminded members that budget time is nearing.

## **ADJOURNMENT**

Council Member Conti asked that Council Members Herring, Scalzo and Timmons be excused.

A motion was made for adjournment.

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

A true record of the Common Council Minutes of August 4<sup>th</sup>, 2008.

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