

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

**Monday, August 17, 2009**

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 Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith.

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

Council Member Scalzo led the Pledge of Allegiance.

Council Member Conti made a motion to change the order of business to allow a majority consent motion to add Resolution Number 70.82.09R and Resolution Number 71.82.09R to the agenda, the motion being approved by unanimous voice vote a motion was made to add Resolutions 70.82.09R and 71.82.09R to the agenda which was approved by unanimous voice vote. Council Member Conti further moved to change the order of business to allow for the immediate consideration of Resolution 71.82.09R as the first order of business which was approved by unanimous voice vote.

Council Member Smith along with Co-Sponsors Council Members Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Timmons offered the following, asked for passage and a roll call vote thereon:

**Resolution Number 71.82.09R**

**RESOLUTION OF THE COMMON COUNCIL IN HONOR OF THE 2009 ALBANY  
LATINFEST**

**WHEREAS**, the Albany Latin Festival Association, a volunteer organization of committed community residents, will produce the 14<sup>th</sup> annual Albany LATINFEST, which will take place at the Washington Park on August 29, 2009, and

**WHEREAS**, the Albany Latin Festival Association has established the Albany LATINFEST as a formal and free performance event celebrating the Hispanic culture through presentations of local, regional and international Hispanic performing artists. LATINFEST is promoted and produced as a family oriented event and has become the single largest event of its kind in the Capital Region attracting close to 12,000 community members, and

**WHEREAS**, by presenting the event at Washington Park, LATINFEST will bring a formal cultural presentation to those residents of the North Albany, West Hill, Arbor Hill and South End communities who have been under served by the traditional cultural institutions and those least able to attend other regional cultural events due to prohibitive costs and transportation barriers. While this event is designed as a celebration of the cultural contributions of the most rapidly expanding ethnic group in Albany (i.e. Hispanics), the ideal location provides the opportunity for all members of the surrounding Albany community to share in an event that promises to enhance their appreciation of the city's expanding cultural diversity, and

**WHEREAS**, the Albany Latin Festival Association (ALFA) was founded during the summer of 1996 by Pedro Diaz, Vicente Alfonso, Carlos Maldonado, and other committed community members to feature the music and dance representative of the Hispanic American cultural traditions that have contributed to the contemporary performing arts. ALFA promotes the positive contributions of the Hispanic community through

cultural events in order to enhance the positive aspects of Albany's multi cultural diversity and, thereby, promote neighborhood revitalization for residents of designated Enterprise Communities, and

**WHEREAS**, LATINFEST has a commitment to young people and to supporting educational opportunity, the Albany Latin Festival Association will make a contribution to a local organization that provides college scholarships to area students using funds raised at the 2009 LATINFEST

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby congratulates the festival organizers and supporters of this event, thanks them for their efforts and wishes them success with the 2009 LATINFEST.

*\*Note: Council Member Smith made comments in support of Latinfest 2009 and presented the Latinfest sponsors with a formal copy of the resolution.*

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

Affirmative -- Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith

Affirmative 12 Negative 0 Abstain 0

**PUBLIC COMMENT PERIOD**

1. Bill Batt, 680 N. Pearl St., Albany, NY 12202 (Reso. Number 70.82.09R– Post Office Closings)
2. Irwin Smith, 1254 Broadway, Menands, NY 12204 (Reso. Number 70.82.09R– Post Office Closings)
3. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Various Issues)
4. Mike Connors, 26 Brookside Ave., Menands, NY 12204 (Reso. Number 70.82.09R– Post Office Closings)
5. Louise McNeilly, 27 SummitAve., Albany, NY 12209 (Reso. Number 70.82.09R– Post Office Closings)
6. Bonnie Lennox, 2317 Huntridge Sr., Clifton Pk, NY 12065(Reso. Number 43.42.09R – Student Loan Forgiveness)
7. Heather Dunbar, 22 Langford St., Van Effen, NY 14889 (Reso. Number 43.42.09R – Student Loan Forgiveness)
8. Lars Sorensen, 705 Foxwood Ave., Clifton Pk, NY 12065 (Reso. Number 43.42.09R – Student Loan Forgiveness)

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 Scalzo introduced the following, which was referred to the Law, Buildings and Code Enforcement Committee:

**LOCAL LAW NUMBER H - 2009**

**A LOCAL LAW AMENDING THE SECTION 802 OF THE CITY OF ALBANY CHARTER IN RELATION TO CHARTER REVISION**

**Section 1. Section 802 of the City of Albany Charter is amended to read as follows:**

This Charter may be amended in the manner provided by the Municipal Home Rule Law. In addition, [At least] once every [twenty] ten years [following the effective date of January 1, 1999] beginning in January of 2010, [this Charter shall be reviewed and revised as deemed necessary pursuant to the Municipal Home Rule Law] the Common Council shall vote on the creation of a charter revision commission. The local law shall provide for the creation of a charter revision commission consisting of nine members, five of whom shall be appointed by the Common Council and four of whom shall be appointed by the Mayor.

**Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State and without referendum.**

Council Member Conti asked for passage of LOCAL LAW D-2009 (A LOCAL LAW ESTABLISHING A BASE SALARY FOR THE NEW POSITION OF CITY AUDITOR), which had been previously introduced.

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

Affirmative -- Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith

Affirmative 12 Negative 0 Abstain 0

Council Member Conti made a motion to hold the remaining Local Laws on the pending agenda, which was approved by unanimous voice vote.

**REPORTS OF STANDING COMMITTEES**

**Finance, Taxation and Assessment** – Council Member Sano stated that the committee met on August 12, 2009 to discuss Local Law D-2009, Ordinance 46.52.08 (AFD Ladder Truck) and Resolution 43.42.09R regarding student loan forgiveness. He stated that Local Law D-2009 and Ordinance 46.52.08 (Ladder Truck) were both voted out of committee favorably. He stated that Resolution 43.42.09R was favorably recommended as amended and with all Council Members listed as co-sponsors.

**General Services, Health and Environment** – Council Member O'Brien stated that the Solid Waste Planning Committee would be meeting tomorrow, August 18, 2009 at 6pm.

**CONSIDERATION OF ORDINANCES**

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

**Ordinance Number 54.82.09**

**AN ORDINANCE AMENDING CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY TO ADD A NEW ARTICLE VII IN RELATION TO POLYSTYRENE FOAM IN TAKE OUT FOOD PACKAGING**

**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  
Restrictions on Take Out Food Packaging**

### **Section 313-56. Findings and Intent.**

The City of Albany Common Council finds and declares that:

(A) The City of Albany has a duty to protect its natural environment, its economy, and the health of its citizens.

(B) As litter, polystyrene foam is highly durable. There is a prevalence of polystyrene foam packaging littering City parks and public places, streets and roads, waterways, storm drains and wetlands. Polystyrene foam breaks into smaller pieces and because it is lightweight, may be picked up by the wind even when it has been disposed of properly. This litter ultimately floats, or is blown, into the local creeks, wetlands, and the Hudson River. This litter creates a financial cost to City residents and an environmental cost to natural resources.

(C) Animals and birds often confuse polystyrene foam with pieces of food, and when ingested, it can impact their digestive tracts, often leading to death.

(D) Prohibiting the use of polystyrene foam take-out food packaging and replacing it with biodegradable, compostable or recyclable food service products will protect the wetlands of Albany, the Hudson River, city residents and visitors, and will support the City's goal of reducing waste and litter for a cleaner environment for generations to come. Take-out food packaging that is biodegradable, compostable, or recyclable is the most responsible and sustainable choice for the City's citizenry and its environment. When products are recycled, natural resources are spared and landfill space is preserved. Disposable food service ware made from expanded polystyrene foam (commonly called Styrofoam) is not biodegradable, returnable, or locally recyclable.

(E) Biodegradable take-out packaging such as cups, plates, clamshell containers, and cutlery are now made from paper, sugarcane stalk, corn bi-products, and potato starch. As these products degrade, they pose less of a danger to the environment and are not a permanent blight on the landscape.

### **Section 313-57. Definitions.**

For the purposes of this chapter, words and phrases used are defined as follows:

(A) Affordable shall mean that a biodegradable, compostable or recyclable product may cost up to 15 percent more than the purchase cost of the nonbiodegradable, non-compostable or non-recyclable alternative(s).

(B) ASTM Standard shall mean meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.

(C) Biodegradable shall mean the ability of organic matter to break down from a complex to a more simple form through the action of bacteria.

(D) Compostable shall mean all the materials in the product or package will break down, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner.

(E) The Commissioner shall mean the Commissioner of General Services or their designee.

(F) Disposable Food Service Ware is interchangeable with "to go" packaging and "food packaging material" and includes all containers, clamshells, bowls, plates, trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, napkins and other items designed for one-time use for prepared foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by food providers.

(G) Food Provider shall mean any vendor, business, organization, entity, group or individual, including retail food establishments, located in the City of Albany that offers food or beverage to the public.

(H) Person shall mean an individual, business, event promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.

(I) Polystyrene Foam shall mean blown polystyrene, and expanded and extruded foams (sometimes called Styrofoam™) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene) . Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

(J) Prepared Food shall mean food or beverages prepared by retail food establishments, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the City of Albany . Prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail establishment.

(K) Recyclable shall mean any material that is accepted by the City of Albany recycling program, including, but not limited to paper, glass, aluminum, cardboard, and all plastics except Styrofoam items.

(L) Retail Food Establishment shall mean all sales outlets, stores, shops, vehicles or other places of business located within the City which operate primarily to sell or convey foods or beverages directly to the ultimate consumer, which foods or beverages are predominantly contained, wrapped or held in or on packaging . Retail food establishment shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant, drive-in, coffee shop, cafeteria, short-order cafe, delicatessen, luncheonette, grill, sandwich shop, soda fountain, hotel, motel, movie house, theatre, bed and breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, take-out prepared food place, industrial feeding establishment, catering kitchen, mobile food preparation unit, commissary, special event, grocery store, public food market, produce stand, food stand, or similar place in which food or drink is prepared for sale, or for service, on the premises or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served or provided for the public and any organization, group or individual which provides food as part of its service.

(M) Special Events Promoter shall mean an applicant for any special events permit issued by the city or any city employee(s) responsible for any city-organized special event.

**Section 313-58. Polystyrene Foam Disposable Food Service Ware Prohibited.**

(A) Food providers within the City of Albany may not provide prepared food in any disposable food service ware that contains polystyrene foam.

(B) Disposable food service ware that contains polystyrene foam is prohibited from use in all City of Albany facilities.

(C) City of Albany contractors in the performance of city contracts and special events promoters and vendors may not provide prepared food in disposable food service ware that contains polystyrene foam.

**Section 313-59. Required Biodegradable Compostable, Or Recyclable Disposable Food Service Ware.**

(A) All food providers within the City of Albany utilizing disposable food service ware shall use biodegradable, compostable or recyclable products, unless there is no affordable alternative available as determined by the Commissioner . Food providers may charge a "take-out fee" to cover any difference in cost.

(B) All City of Albany facilities utilizing disposable food service ware shall use products that are biodegradable, compostable or recyclable.

(C) City of Albany contractors, and special events promoters and vendors utilizing disposable food service ware shall use biodegradable, compostable, or recyclable products while performing under a City of Albany contract or permit.

**Section 313-60. Exemptions for Biodegradable, Compostable or Recyclable Food Service Ware.**

(A) The Commissioner may grant up to a one-year extension for the implementation of requirements set forth in this Article upon the food provider showing, in writing, that this Article would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances . The Commissioner shall put the decision to grant or deny a one-year exemption in writing, and the Commissioner's decision shall be final.

(B) An extension application shall include all information necessary for the Commissioner to make a decision, including but not limited to documentation showing factual support for the claimed exemption . The Commissioner may require the applicant to provide additional information.

(C) The Commissioner may approve the extension application in whole or in part, with or without conditions.

(D) Foods prepared or packaged outside the City of Albany and sold inside the City of Albany are exempt from the provisions of this Article. Purveyors of food prepared or packaged outside the City of Albany are encouraged to follow the provisions of this Article.

**Section 313-61. Enforcement and Notice of Violation.**

(A) Violations of this Article may be enforced in accordance with Article 258 of this Code.

(B) The Commissioner shall be responsible for enforcing this Article and shall have authority to issue citations for violations.

(C) The City of Albany in accordance with applicable law, may inspect any vendor or food provider's premises to verify compliance.

**Section 2. This ordinance shall take effect 90 days following its passage and signing into law.**

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

**Ordinance Number 55.82.09**

**AN ORDINANCE AMENDING SECTION 359-22 (PARKING, STANDING AND STOPPING RESTRICTIONS) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ENGINE IDLING**

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

**Section 1. Legislative intent.** Air pollution continues to threaten the lives and health of millions of people in the United States despite great progress since the modern Clean Air Act was first passed in 1970. Even as the nation explores the complex challenges of global warming and energy, air pollution remains widespread and dangerous. This year marks the tenth annual American Lung Association State of the Air report. This 2009 report looks at ozone and particle pollution year-round and over short-term levels of particle pollution found in monitoring sites. In the 2009 report, Albany County received an “F” grade for air quality.

This ordinance to restrict engine idling, is intended to produce a variety of environmental and public health benefits at little or no cost to drivers. Air pollution from vehicles in Albany contributes to our high levels of ozone. Poor air quality leads to increased risk of asthma, heart disease and other ailments. Pollution emitted from vehicles is an important element of the City’s contribution to climate-changing greenhouse gases. Because engine idling exacerbates these problems while producing little benefit, idling restrictions should reduce air pollution problems without creating severe inconveniences for City drivers.

**Section 2. Section 359-22(J) 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:

J. Cause or permit the [diesel] engine of a [bus, as defined in § 104 of the Vehicle and Traffic Law] motor vehicle, other than a legally authorized emergency motor vehicle, to idle for more than five minutes while parking, standing or stopping, except that a bus, as defined in § 104 of the Vehicle and Traffic Law may idle while passengers are on board or while boarding or discharging passengers.

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

Council Members Conti, Calsolaro, and Herring introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

**Ordinance Number 56.82.09**

**AN ORDINANCE AMENDING CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VII THERETO TO BE ENTITLED “SOLID WASTE MANAGEMENT ACCOUNTING STANDARDS”**

**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 amended by adding a new Article VII to read as follows:**

**ARTICLE VII  
SOLID WASTE MANAGEMENT ACCOUNTING STANDARDS**

**§ 313-56. Findings.**

The Common Council finds that current methods of financial accounting for the costs of municipal solid waste management are inadequate and do not represent a systematic approach for identifying, summing and reporting the actual costs of solid waste management in a way that takes into

account past and future outlays, overhead and operating costs. The Common Council further finds that implementing full cost accounting standards for solid waste management activities will enhance management and budgetary decisions with regard to municipal solid waste management activities.

**§ 313-57. Full cost accounting.**

Financial accounting for solid waste management activities under this chapter shall be in accordance with full cost accounting standards as delineated by the United States Environmental Protection Agency.

**§ 313-58. Annual report.**

The Commissioner shall annually submit a report to the Common Council on the cost of solid waste management activities in accordance with §313-57 of this chapter and such other matters as may be related thereto.

**§ 313-59. Promulgation of rules and regulations.**

The Commissioner is authorized to promulgate rules and regulations as may be necessary to effectuate and supplement the provisions of this article.

**Section 2. This ordinance shall take effect immediately.** Thirty (30) days after enactment the Commissioner of the Department of General Services shall report to the Common Council on the steps necessary for the implementation of the provisions of this ordinance including, but not limited to, conversion to the accounting standards required herein.

Council Member Sano moved to amend and as amended asked for passage and a roll call vote thereon:

**Ordinance Number 46.52.08 (as amended)**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$860,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$860,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LADDER TRUCK)**

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Fire-fighting and apparatus  
Local Finance Law Section 11.00(a) Subparagraph 27  
Period of Probable Usefulness: [20] 15 years  
Maximum Term of Obligations: [20] 15 years  
Maximum Estimated Cost: \$860,000.00  
Maximum Amount of Bonds: \$860,000.00  
Comptroller's Bond Authorization Numbers: T-08

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$860,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such leases or bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such leases or bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such leases or bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City comptroller, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of Local Finance Law.

Section 7. The City Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the leases or bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Comptroller is further authorized to enter into a continuing disclosure agreement with the initial issuer of the leases or the purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such leases or bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

Section 12. This ordinance shall be dated May 19, 2008 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

*\*Note: There was discussion from Council Member Conti regarding his position for voting in the negative. He discussed the need to talk about how we use fire fighter apparatus for non-fire related incidents and the use of the Fire Department for building inspections. He discussed the need to examine more cost effective ways of delivering services.*

*There was discussion from Council Member Rosenzweig regarding his position to be voting in the affirmative. He discussed the need for the Fire Department to have a functioning truck. He discussed that he agreed with Chief Forezzi that Albany is unique in how we deliver services through the Fire Department.*

*There was discussion from Council Member McLaughlin regarding her position to vote in favor of this ordinance. She discussed Council Member Conti making good points. She discussed that she would like to see a report/plan from the Albany fire Department on reallocating truck use. She discussed having to maximize the resources that we have available. She asked the Public Safety Committee to ask the Fire Department for a report.*

*There was discussion from Council Member Sano regarding this ordinance being delayed for a year and the truck being in bad despair because the fire department stretched the use of the current truck for six (6) additional years. He discussed amending the bonding from 20 years to 15 years to cover the useful life of the truck.*

*There was discussion from Council Member O'Brien regarding good points being made during this discussion. He discussed that unlike other places in NYS, we do not get reimbursed for services rendered to the state or to non-for-profits. He discussed suggesting that we request that we get reimbursed for those services.*

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

Affirmative -- Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith

Negative -- Conti

Affirmative 11 Negative 1 Abstain 0

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

**CONSIDERATION OF RESOLUTIONS**

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

**Resolution Number 70.82.09R(MC)**

**RESOLUTION OPPOSING THE CLOSING OF U.S. POST OFFICES IN THE CITY OF ALBANY**

**WHEREAS**, the U.S. Postal Service has proposed closing five City of Albany post offices: Delaware Station, Academy Station, Pine Hills Station, Patroon Station and Fort Orange Station;

**WHEREAS**, neighborhood post offices provide essential services to city residents that include mailing packages, letters and stamps, purchasing money orders, money wires, national and international delivery services, insurance services, and post office box services;

**WHEREAS**, many of the individuals using neighborhood post office services do not have easy access to post offices in locations that require use of a vehicle or have poor access to mass transit;

**WHEREAS**, quality of life in an urban environment is characterized by the availability of services located in close proximity to people's homes;

**WHEREAS**, the availability of neighborhood resources such as the post office are essential elements in creating what are termed "complete" neighborhoods that promote a high quality of life;

**WHEREAS**, a high quality of life is measured by increased physical activity through walking and biking; reduced number of vehicle trips; increased social interaction and sense of community; increased "eyes on the street" promoting public safety; and proximity to public and retail services;

**WHEREAS**, each of the targeted Albany neighborhood post offices embody these quality of life indicators;

**WHEREAS**, each of these stations is located in unique and historic urban neighborhoods,

**WHEREAS**, Albany post offices are invaluable and help create a "sense of place" making each neighborhood vibrant and unique;

**WHEREAS**, the unique and historic character of a neighborhood complete with the neighborhood post office attracts economic development;

**WHEREAS**, the vibrancy, and unique and historic aspect of the neighborhoods attract new homeowners, other residents and visitors;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany resolves and affirms its strong opposition to the closure of any of the targeted City of Albany post offices.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that this resolution, suitably engrossed, be transmitted to the U.S. Postmaster General; U.S. Congressman Paul Tonko; U.S. Senator Kirsten Gillibrand; U.S. Senator Charles Schumer; N.Y.S. Assemblyman John J. McEneny; and N.Y.S. Senator Neil Breslin.

*\*Note; There was discussion from Council Member Fahey regarding how difficult it may be for some people to catch and navigate the buses to make it post offices if the closures happen. She discussed there being social interaction at neighborhood post offices and how it is a way to get to know your neighbors. She discussed that in her ward, petitions are being gathered to oppose the closings.*

*There was discussion from Council Member Rosenzweig in support of this legislation and stated that the 8<sup>th</sup> ward would be carrying petitions opposing the post office closings.*

*There was discussion from Council Member O'Brien stating that the post office in the 12206 zip code area also serves the 12<sup>th</sup>, 11<sup>th</sup>, 5<sup>th</sup>, 3<sup>rd</sup> wards and part of Central Avenue.*

*There was discussion from Council Member Smith stating that petitions are being circulated in the 4<sup>th</sup> ward. She discussed that many people cannot travel from one end of Albany to the other. She discussed that she had confirmation that the branch in her ward does not run at a deficit.*

*There was discussion from Council Member McLaughlin discussed the assumption that everyone communicates via the internet. She discussed that people value the post office near their residence. She discussed how many seniors take daily walks to the grocery, bank and post office. She thanked Council Member Fahey.*

*There was discussion from Council Member Sano regarding his father being a mailman for over 30 years. He discussed the post office mission statement. He discussed that the disadvantaged would be the most affected by the closings. He discussed sharing a natural occurring senior community with Council Members Rosenzweig and Fahey.*

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

Affirmative -- Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith

Affirmative 12 Negative 0 Abstain 0

Council Member Sano moved to amend and as amended along with co-sponsors Council Members Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Scalzo, Smith and Timmons offered the following, asked for passage and a roll call vote thereon:

**Resolution Number 43.42.09R (as amended)**

**RESOLUTION OF THE COMMON COUNCIL CALLING UPON CONGRESS TO OFFER PROGRAMS TO REDUCE STUDENT LOAN DEBT AS AN ECONOMIC STIMULUS TOOL AND REFORM THE STUDENT LOAN PROCESS**

**WHEREAS**, the cost of higher education has risen faster than the average starting salaries, leaving many new college graduates with student debt which exceeds their ability to pay; and

**WHEREAS**, student loan repayment can be difficult for young people starting off their careers and has become even more challenging now with the economic downturn, as recent graduates may have lost their jobs or struggle to land gainful employment. Graduates confront unaffordable monthly payments, loans that are nearly impossible to discharge, and restrictive loan repayment plans; and

**WHEREAS**, there were nearly \$131 billion in outstanding private loans in 2008. In addition, there is \$544 billion in outstanding federal loans for fiscal year 2009, up from \$502 billion in 2008, according to the Education Department. The average debt of students graduating with loans rose from \$18,796 in 2006 to \$20,098 in 2007, according to the Project on Student Debt; and

**WHEREAS**, forgiving private and federal student loans should be greatly expanded in exchange for service in all public sector jobs, so as to better utilize these degrees and experience, especially in our most

disadvantaged sectors. The time frame for public service should be proportional to the amount of debt asking to be forgiven; and

**WHEREAS**, forgiving student loan debt would have a stimulating effect on the economy. Responsible people who did nothing other than pursue a higher education would have hundreds, if not thousands of extra dollars per month to spend, fueling the economy. As a result, tax revenues would go up, the credit markets will unfreeze and jobs will be created; and

**WHEREAS**, in order to stop this cycle of destructive student debt we also urge Congress to examine the following: repealing the exception to bankruptcy discharge of private, governmentally-guaranteed and government education loans; increasing Pell Grant funding; aligning the definition of total and permanent disability discharge with the Social Security definition of a disability; requiring mandatory financial literacy training for all college students; and mandating improvements in loan counseling; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany urges the federal government to consider forgiving student loans as part of a stimulus package for young people and to move forward on reforming the student loan process.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that a copy of this resolution, suitably engrossed, be transmitted to United States Senators Kristen Gillibrand and Charles Schumer and United States Representative Paul Tonko.

*\*Note: There was discussion from Council Member Sano stating that the Council would be making history by passing this legislation. He discussed that he has already been contacted by 8 other municipalities from around the country regarding this piece of legislation. He discussed that original idea came from reading an article by a Mr. Applebaum. He discussed that something like this that revitalizes banks through loan forgiveness can stimulate the economy. He thanked everyone for being a co-sponsor of this legislation.*

*There was discussion from Council Member Fahey stating that she was amazed that it took so long to come up with something like this. She discussed young people deciding their careers because of the debt from student loans. She commended the people who are actively working on this issue.*

*There was discussion from Council Member Ellis thanking Council Member Sano. He discussed how he had thought about going to law school and how the debt from the loans forces lawyers to go into corporate law instead of practicing where it would help disadvantaged people.*

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

Affirmative -- Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, 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 McLaughlin offered the following, which was approved by a majority 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:

Mason, Patrick, 7 Barclay St, Albany, NY 12209

**ADJOURNMENT**

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 17<sup>th</sup>, 2009.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL