

# ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

**Tuesday, September 7, 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, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith.

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

Council Member Calsolaro led the Pledge of Allegiance.

## **PUBLIC COMMENT PERIOD**

1. Joe Cunniff, 10 Croswell St., Albany, NY 12208 (Public Comment)
2. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Resolution 18.22.10R)

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 the August 2, 2010 and August 16, 2010 meetings, which was approved by unanimous voice vote.

## **CONSIDERATION OF LOCAL LAWS**

Council Member Konev moved to withdraw Local Law P-2010 from the pending agenda.

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

## **REPORTS OF STANDING COMMITTEES**

**Council Operations and Ethics** – Council Member Conti stated that the committee met on Tuesday, August 17, 2010 at 5:30pm to discuss Resolution 83.81.10R relating to committees. The intent was to clarify that committees should meet on a timely basis on legislation before them and for department oversight. The committee also discussed rules of procedure related to public comment. The Committee met on August 24, 2010 to continue discussion on items from the previous meeting and develop recommendations. Resolution 83.81.10R was favorably approved with amendment and the committee further recommended revisions to public comment procedures as proposed in Resolution 93.91.10R. The Committee also discussed various legislation introduced by Council Member Konev related to various rules and procedure of the Council. Council Member Konev withdrew Local Law P-2010, Resolution 49.42.10R in relation to the majority leader came out of committee with a unanimous negative recommendation, Resolution 50.42.10R relating to leadership meeting will be withdrawn, and Resolution 64.61.10R received a unanimous negative recommendation.

**Planning, Economic Development and Land Use** – Council Member Herring stated that the Committee met on September 2, 2010 to consider Resolution 25.31.10R appointing Mr. Kevin O'Connor to the Albany Parking Authority, which had a positive recommendation. The Committee discussed Ordinances 55.42.10 and 61.61.10 relating to Board of Zoning Appeals procedure, which were combined in to Ordinance 61.61.10 which was favorably recommended out of committee with amendment.

**Public Safety/General Services, Health and Environment** – Council Member Smith stated that the committees held a joint meeting to discuss Madison Avenue traffic calming. APD Deputy Chief Brendon Cox and Doug Melnick

with the Planning Department were present and heard comments from members of the public. The meeting concluded with APD and the Planning Department to further look into doing a study on this issue.

**Human Resources and Human Rights** – Council Member Fahey stated that the committee met on August 25, 2010 with Ms. Tara Wells, Acting Commissioner Administrative Services to discuss hiring issues/practices centered on a report from the Treasurer on the make-up of the city workforce. The committee heard concerns from members of the public and was informed of an anti-discrimination training program. The Committee’s concerns would be forwarded to the executive branch.

**REPORTS OF AD HOC COMMITTEES**

**Pesticide Ordinance** – Council Member Golby stated that the Committee met on August 23, 2010 at 5:30pm to continue discussion with Mr. Scott Gallup, Albany Golf Course to discuss why pesticides are being used at Washington Park and Buckingham Pond and not at Tivoli Lake. The committee had a presentation on turf management on playing fields from Cornell Cooperative Extension. The committee is scheduled to sunset on September 13, 2010 but has asked for an extension until the end of the year. She stated that she is hoping to schedule the next meeting on September 23, 2010.

**CONSIDERATION OF ORDINANCES**

Council Member Konev introduced the following, which was held:

**Ordinance Number 89.91.10**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF PORTIONS OF WESTERN AVENUE, ROBIN STREET AND WASHINGTON AVENUE ADJACENT TO 27 WESTERN AVENUE 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 certain portions of Western Avenue, Robin Street and Washington Avenue adjacent to 27 Western Avenue be discontinued and closed.**

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

**Section 3. The form, content and description of the right-of-ways 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 Konev introduced the following, which was held:

**Ordinance Number 90.91.10**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO CERTAIN ABANDONED PORTIONS OF THE RIGHT-OF-WAYS OF WESTERN AVENUE, ROBIN STREET AND WASHINGTON AVENUE ADJACENT TO 27 WESTERN AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE CITY SCHOOL DISTRICT OF ALBANY**

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

**Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to certain abandoned portions of the right-of-ways of Western Avenue, Robin Street and Western Avenue adjacent to 27 Western Avenue be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the City School District of Albany.**

**SUBJECT to all easements, restrictions and rights-of-way of record.**

**Section 2. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.**

**Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.**

**Section 4. This ordinance shall take effect immediately.**

Council Members Conti and O'Brien moved to amend Ordinance 61.51.10 and, having been amended moved for passage and a roll call vote thereon:

**Ordinance Number 61.51.10 (as amended)**

**AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO HEARING PROCEDURES BEFORE THE BOARD OF ZONING APPEALS**

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

**Section 1. Subsection A of section 375-13 of the Code of the City of Albany is amended to read as follows:**

A. Meeting of the Board shall be held twice a month on a regular meeting schedule established by the Board members, with additional meetings to be held at the call of the Chair if determined to be necessary. All Board meetings shall be open to the public and held in strict compliance with Article 7 of the New York State Public Officers Law. All proceedings including all deliberations of the Board shall be open to the public.

**Section 2. Section 375-18 of the Code of the City of Albany is amended to read as follows:**

A. The applicant must submit a complete application to the Director to be granted a hearing by the Board. A hearing shall not be scheduled and noticed until a complete application has been received and is available to the public. A complete application shall include the following:

- (1) Appropriate standard forms, fully and accurately completed and signed, as required by other provisions of this chapter or by the rules and regulations adopted by the Board for the conduct of its business.
- (2) Other information or documentation, as required by this chapter or by the rules and regulations of the Board.
- (3) Payment of the applicable fee.

(4) The name, residence and nature and extent of the interest of any state officer or any officer or employee of the City or County of Albany in the applicant or in the subject property, to the extent such interest is known to the applicant, as required by § 809 of the General Municipal Law of the State of New York.

B. Notwithstanding Subsection A of this section, a hearing shall not be granted or scheduled in instances where the applicant, or the owner of property which is the subject of the application, is an owner, part-owner or has an ownership interest in a building or buildings subject to the standards of Article XI (Maintenance of Vacant Buildings) or Article XIA (Vacant Building Registry) of Chapter 133 of this Code and such buildings are not in compliance thereto. In such instances, an application which is otherwise complete in accordance with Subsection A of this section shall be held pending the resolution of issues related to compliance with such articles and payment of any penalties if applicable.

**Section 3. Subsection B of section 375-19 of the Code of the code of the City of Albany is amended to read as follows:**

B. Public Posting. The applicant is required to post one or more signs (provided by the Board), as determined by the Department of Development and Planning, in/on visually conspicuous locations of the parcel(s) in question at least [seven] ten days prior to the hearing to be conducted on the application. A corner parcel must be posted in at least two directions. It is assumed that the applicant will make a reasonable effort to replace postings that are either removed or substantially damaged. Whenever an applicant submits additional information or documentation in support of an application in accordance with Subsection D of this section, the applicant shall promptly post additional signs (provided by the Board) noticing the availability of such information in accordance with Subsection D of this section. The Board may postpone the hearing if adequate evidence exists that the requirements for the public posting have not been met. Said signs are to be removed by the applicant after [the] a final [public hearing] decision on the application has been rendered.

**Section 4. Section 375-19 of the Code of the City of Albany is amended by adding new subsections D and E to read as follows:**

D. Whenever an applicant submits additional information or documentation in support of an application subsequent to a public hearing, such information or documentation shall be made available to the public. The Board shall notice the availability of such additional information or documentation in a manner consistent subsection A(1)(a) and (2) of this section. The public shall be afforded an opportunity to submit testimony or other evidence relating to the additional or supplemental information provided by the applicant. The Board may require the applicant to appear at a subsequent public hearing.

E. At any meeting of the Board, no motion shall be in order to rescind or amend a previous decision of the Board unless such motion has been publicly noticed and is subject to a public hearing in accordance with the provisions of this chapter and an opportunity for public comment. Any information or documentation that is the basis of such motion shall be available to the public at the time such hearing is noticed.

**Section 5. This ordinance shall take effect immediately.**

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

*Ordinance Number 61.51.10(As Amended) was Co-Sponsored by Council Members Calsolaro, Fahey, Herring, Igoe, Jenkins-Cox, Konev, 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, Herring, Igoe, Golby, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Council Member O'Brien moved to withdraw Ordinance Number 55.42.10 from the pending agenda.

**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, which was referred to the General Services, Health and Environment Committee:

**Resolution Number 90.91.10R**

**RESOLUTION OF THE COMMON COUNCIL DETERMINING THAT THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS) IS COMPLETE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA) AND THE REGULATIONS PROMULGATED THEREUNDER AND ESTABLISHING THE PUBLIC COMMENT PERIOD 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 passed a resolution on July 17, 2010 declaring itself Lead Agency in accordance with SEQRA regulation 6 NYCRR 617.6 (4); and

**WHEREAS**, the Common Council as designated lead agency issued a positive declaration requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS) in accordance with 6 NYCRR 617.7(a), and

**WHEREAS**, the Common Council has had the opportunity to review the addenda to the SWMP prepared by Clough Harbour & Associates, and approves of the addenda for inclusion into the Draft Solid Waste Management Plan (SWMP), and which together will constitute the DGEIS.

**NOW, THEREFORE BE IT RESOLVED**, that the Common Council hereby deems the DGEIS complete and adequate for public review in accordance with SEQRA regulations 6 NYCRR 617.9 (a).

**BE IT FURTHER RESOLVED**, the Common Council hereby establishes a 45 day public comment period during which written comments may be submitted.

**BE IT FURTHER RESOLVED**, that a public hearing will be conducted pursuant to the provisions of 6 NYCRR 617.12 on October 21, 2010.

**BE IT FURTHER RESOLVED**, that the Common Council hereby authorizes the City Clerk to distribute copies of the Notice of Completion of the DGEIS, Notice of SEQR Hearing and the DGEIS to all members of the Solid Waste Management Partnership Planning Unit; and

**BE IT FURTHER RESOLVED**, that the Common Council hereby authorizes the City Clerk to distribute and publish the Notice of Completion of the DGEIS, Notice of SEQR Hearing and the DGEIS, in accordance with SEQRA regulations 6 NYCRR 617.12.

Council Member Konev offered the following, which was held:

### **Resolution Number 91.91.10R**

#### **RESOLUTION OF THE ALBANY COMMON COUNCIL CALLING ON CONGRESS TO PASS THE FIGHT WASHINGTON CORRUPTION AGENDA**

**WHEREAS**, Nationwide over 500,000 signatures of individuals who are not represented by lobbyists in Washington have been collected endorsing the Fight Washington Corruption Agenda that includes: the Fair Elections Now Act, Lobbyist Reform Act and The Close the Revolving Door Act; and

**WHEREAS**, lobbyists and the big corporations they represent have run roughshod over our democracy for too long. That's why, this year, people from across the country are joining together to force politicians to work for the rest of us; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany does hereby urge Congress to pass the following legislation:

1. **Overturn Citizens United US Supreme Court Case by Passing DISCLOSE Act (S. 3628 and H.R. 5175)**. Earlier this year the legislation passed the House but failed in the Senate. We urge the United States Senate to bring this legislation for a vote.  
***DISCLOSE Act Will Require All Organizations Making Political Expenditures To Make Public Their Donors And Appear On Camera To Stand By Their Ads***

#### ***Legislation Would Also Ban Foreign-Controlled Corporations, Government Contractors from Making Political Expenditures***

The heads of any organization sponsoring an ad—including corporate CEOs—would be required to appear during the ad, as is currently required of candidates for federal office. In cases where special interests funnel their money into shell groups, the top five organizations that have donated to the group would have to be identified on screen during any ad sponsored by that group. The CEO of the group's top funder for that particular advertisement would also be required to appear on screen to deliver a "stand by your ad" disclaimer.

Also, the bill would effectively require, for the first time, all corporations and advocacy groups that make political expenditures to establish easy-to-track campaign accounts. All donations to these accounts that exceed \$1,000—as well as all expenditures funded through these accounts—would be reported within 24 hours to the Federal Election Commission once the money is spent, as well as to the public on the organization's website, and to company shareholders in their corporate filing statements. If a company or organization did not wish to establish these transparent accounts, it would be required to disclose all its donors, not just those whose contributions are earmarked for political activities.

The legislation will also strengthen a candidate's ability to respond to corporate attack ads by ensuring they can purchase air time at the lowest possible rate in the same media markets where these attacks ads are airing. The bill would also make sure that private corporations don't coordinate their political activities with candidates.

2. **Fair Elections Now.** Pass the Fair Elections Now Act (S. 752 and H.R. 1826), providing public financing to candidates who are supported by small donors so they can compete with corporate-backed and self-funded candidates.

3. **Lobbyist Reform Act** (The Close the Revolving Door Act of 2010). Pass legislation to end the overwhelming influence of corporate lobbyists by: prohibiting individuals from switching from corporate lobbying to government service, or vice versa for extended period; stopping corporate lobbyists from giving gifts and providing free travel to government officials; and posting online the attendees and content of all meetings between lobbyists and government officials.

The Close the Revolving Door Act of 2010 (S. 3272/ H.R. 2259) will:

- Close the revolving door by banning Members of Congress from ever becoming lobbyists,
- Lengthen the "cooling off" period before Congressional staffers can become lobbyists from one year to six years,
- Create new disclosure requirements so firms can't hide lobbyists by giving them titles like "advisor" or "aide,"
- Improve transparency by creating a website where anyone can track and find information on lobbyists, and
- Increase the fine for breaking these rules to \$500,000.
- Tackling the undue influence of lobbyists in our legislative process is a good first step towards changing the way business gets done (or too often, doesn't get done) in Washington.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that the Common Council of the City of Albany requests that the Clerk of this Council forward copies of this resolution to United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

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

**Resolution Number 92.91.10R (amended before introduction)**

**RESOLUTION RECOGNIZING THE SUSTAINABLE ENERGY FAIR SPONSORED BY THE CAPITAL REGION 350 CLIMATE ACTION**

**WHEREAS,** on October 10, 2010 Capital Region 350 Climate Action is hosting a Sustainable Energy Fair at Albany High School for the entire community; and

**WHEREAS,** a citywide high school student green competition will be launched at the Fair in which Albany High School will participate, and invitations have gone out to Abrookin Technical High School, the Academy of the Holy Names Upper, Harriet Tubman Free School, Christian Brothers Academy, the Albany Academies, Bishop Maginn, La Salle School, Green Tech High School Charter School, and Albany Leadership Charter School. Groups of students – classes of students even – are invited to develop green projects that will help to improve and accelerate Albany's green initiative; and

**WHEREAS,** the Fair will also host the New York State Museum, Honest Weight Food Co-op, Zero Waste, greenfiber.com, the City of Albany Department of Recycling, RPI and AHS's alliance First Robotics Team, DiGeorgio's Bakehouse, an idea wall, 350.org, the Albany Bicycle Club, Community Energy, Capital District Transition Network, as well as other participants; and

**WHEREAS**, Capital Region 350 Climate Action is a group of environmental activists that formed in the Capital District in 2009. Its first event was a rally on the Capital steps, and was one of 5200 rallies and demonstrations in 181 countries around the globe that day. It was in response to a call from 350.org, an international grassroots organization that was formed at Middlebury College by the writer and environmentalist Bill McKibben, and some Middlebury students. Its theory of change is simple: everywhere at once; and

**WHEREAS**, Authoritative scientists have been warning for years that industrial burning of fossil fuels changes the chemistry of the atmosphere, causing a greenhouse effect that warms Planet Earth decade by decade, changing the climate conditions in which our civilization developed; and

**WHEREAS**, Scientists have been saying that such climate change would increase the frequency and severity of extreme weather events, such as heat waves, hurricanes, droughts and floods, change rainfall patterns, raise sea levels, and disrupt wildlife habitat and agriculture, with immense economic costs and disruption of human well-being; and

**WHEREAS**, although individual weather events cannot be attributed with certainty to global climate change, there has indeed been a dramatic increase of extreme weather events as global temperatures have increased: unprecedented heat and firestorms in Russia and catastrophic flooding in Pakistan this summer, and in recent years drought and wildfires in California, flooding in the upper Mississippi, drought in Georgia, record hurricanes in the Gulf of Mexico, inundating the city of New Orleans, and warnings of worse to come; and

**WHEREAS**, investments in new sustainable energy systems can substantially reduce destabilizing greenhouse emissions, save billions of dollars in avoided fuel costs, and create millions of good domestic jobs; and

**WHEREAS**, students today will live with the consequences of decisions we will make in the next few years.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby recognizes the Sustainable Energy Fair and wishes the Capital Region 350 Climate Action continued success in the Capital Region throughout the coming years.

*Resolution 92.91.10R was Co-Sponsored by Council Members Calsolaro, Conti, Fahey, Golby, O'Brien, Sano and Smith.*

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Conti offered the following, which was held:

**Resolution Number 93.91.10R**

**RESOLUTION OF THE COMMON COUNCIL AMENDING THE RULES OF PROCEDURE IN RELATION TO PUBLIC COMMENT AT COMMON COUNCIL MEETINGS**

**NOW, THEREFORE, BE IT RESOLVED, that Section 2.4 of Article 2 (Meetings) of the Rules of Procedure of the Common Council is amended to read as follows:**

Section 2.4. Order of Business.

~~(a) Order of Business.~~

After calling the roll, the order of business, which shall not be departed from except by the consent of the majority present, shall be as follows:

1. Pledge of Allegiance
2. Moment of Silence
3. Public Hearings
4. Public Comment Period (30 minutes)
5. Approval of Minutes from Previous Meeting
6. Local Laws
  - (a) Introduction of Local Laws
  - (b) Messages from the Mayor relative to Local Laws
  - (c) Public Hearings on Local Laws
  - (d) Discussion on Local Laws
7. Communication from the Mayor, Department Heads and City Officers
8. Consideration of Vetoes
9. Presentation of Petitions and Communications
10. Reports of the Standing Committees
11. Reports of the Ad Hoc Committees
12. Consideration of the Ordinances
13. Resolutions
14. Additional public comment (30 minutes)
- ~~[14.]~~ 15. Miscellaneous or Unfinished Business/Common Council Comments

**BE IT FURTHER RESOLVED, that Section 2.5 of Article 2 (Meetings) of the Rules of Procedure of the Common Council is amended to read as follows:**

Section 2.5. Public Comment Period.

~~Public Comment Period.~~—There shall be a public comment period at the beginning of each regular and special meeting. The public comment period shall be limited to thirty (30) minutes unless, upon motion of any member, the time shall be extended by majority vote of the members present for an additional thirty (30) minutes. ~~Any such motion shall specify the amount of time by which the period is to be extended.~~ An additional thirty (30) minute period shall be provided prior to the Miscellaneous portion of the meeting for those speakers who are signed up to speak but were not afforded the opportunity during the previous public comment period.

Any person wishing to address the council may speak during the public comment period. Comment by each speaker shall be limited to five (5) minutes. Speakers must sign up prior to the meeting providing their name, address and general topic. Anyone wishing to speak may call the clerk prior to noon on the day of the meeting at which they wish to speak or sign up on the form provided in the council chamber prior to the 7:00 p.m. start of the meeting. The order in which people speak shall be the order in which they signed up. The President may limit the time allocated for each speaker to three (3) minutes in order to accommodate the largest number of speakers possible.

Public comment at special meetings of the council shall be limited to items on the agenda for consideration at such special meetings.

~~Anyone wishing to speak may call the clerk prior to noon on the day of the meeting at which they wish to speak. The clerk shall maintain, in the order that calls are received, a list of those who call. The order in which people speak shall be the order in which the calls were received by the clerk. It is not necessary, however, to call in advance in order to speak. Those not calling in advance will be permitted to speak after those who did call, as time, whether expanded or not, allows.~~

In lieu of oral testimony, members of the public may submit written testimony which will be distributed to each member by the Clerk of the Common Council.

Council Member Conti moved to amend Resolution 83.81.10R, and as amended, asked for passage and a roll call vote thereon:

**Resolution Number 83.81.10R (as amended)**

**RESOLUTION OF THE COMMON COUNCIL AMENDING SECTION 3.1 OF ARTICLE 3 (COMMITTEES) OF THE RULES OF PROCEDURE IN RELATION TO COMMITTEE MEETINGS**

**RESOLVED**, Section 3.1 of Article 3 of the Rules of Procedure of the City of Albany Common Council is amended to read as follows:

SECTION 3.1

All committees shall be appointed biennially by the President Pro-Tempore, and [will] shall meet on [an as-needed] a timely basis with regard to legislation and such other matters which may be referred to them and shall exercise effective oversight with respect to executive branch departments and agencies.[,with] Committees shall hold a minimum of two meetings per calendar year on matters under their jurisdiction. The first person named in the appointment of a committee shall be the chair thereof. Vacancies shall be filled by appointment of the President Pro-Tempore. A majority of the committee's membership shall constitute a quorum for the transaction of business.

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

*Resolution Number 83.81.10R(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, Herring, Igoe, Golby, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 25.31.10R (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF KEVIN O’CONNOR AS CHAIRMAN OF THE ALBANY PARKING AUTHORITY), which had been previously introduced.

*Resolution Number 25.31.10R was Co-Sponsored by Council Members Bailey, Jenkins-Cox, Konev and Sano*

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Konev moved to withdraw Resolution Number 28.32.10R from the pending agenda.

Council Member Konev asked for passage of RESOLUTION NUMBER 49.42.10R (RESOLUTION OF THE COMMON COUNCIL AMENDING THE RULES OF PROCEDURE IN RELATION TO MAJORITY LEADER), which had been previously introduced.

*\*Note: Council Members Konev, Conti and Calsolaro spoke on this resolution prior to passage.*

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

Affirmative – Konev

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

Affirmative 1 Negative 13 Abstain 0

Council Member Konev moved to withdraw Resolution Numbers 50.52.10R, 52.51.10R and 53.51.10R from the pending agenda.

Council Member Rosenzweig moved to withdraw Resolution Number 38.41.10R from the pending agenda.

Council Member Sano moved to withdraw Resolution Number 59.52.10R(MC) from the pending agenda.

**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 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:

Hooks, Jr., Gaston, 15 Parkwood Street, Albany, NY 12208  
Soto, Sarria Danette, 15 Parkwood Street, Albany, NY 12208

Council Member Golby discussed concerns with Madison Avenue traffic and the amount of accidents that occur on that street.

Council Member Konev discussed that he was still waiting on the required reports that have not been done in the past 2 years. He discussed the Council should submit another letter requesting the Commissioner of Administrative Services position be filled.

Council Member Calsolaro discussed his having visited Rev. John Miller and updated the Council on his health. He discussed the shopping carts issue and discussed that Boston University in Massachusetts uses organic pesticides. He discussed traffic calming.

Council Member O'Brien responded to Council Member Golby and discussed inquiring of Schenectady on how they handled traffic calming.

Council Member Smith discussed a dedication that was taking place on Swan Street and Clinton Avenue on September 24, 2010. She discussed the passing of Mr. Charles LaCourt and a community memorial service that would held in the near future.

Council President McLaughlin encouraged Members to attend.

Council Member Conti reminded Members of the Call for Applicants for the Citizen Police Review Board.

**ADJOURNMENT**

Council President Pro Tempore Conti moved for adjournment with a moment of silence in memory of Mr. LaCourt.

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

A true record of the Common Council Minutes of September 7<sup>th</sup>, 2010

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL