

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Thursday, September 8, 2011

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 Calsolaro, Comisso, Conti, Fahey, Golby, Herring, Igoe, Jenkins-Cox, O'Brien, Rosenzweig, Sano and Smith.

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

Council Member Smith led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Various City Issues)
2. Virginia Hammer, 52 S. Allen St., Albany, NY 12208 (Madison Ave. Traffic Calming Study RFP)
3. Dylan Boyce, 98 Grand St., Albany, NY 12202 (Ordinance 42.82.11 & 43.82.11/VLT)
4. Jesse Rosenthal, 55 S. Lake Ave., Albany, NY 12203 (Ordinance 42.82.11 & 43.82.11)
5. Grace Nichols, 439 Elk St., Albany, NY 12206 (Hydro Fracking)
6. Jennifer L. Kotary, 242 2nd St., Troy, NY 12180 (Ordinance 42.82.11 & 43.82.11)

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 15, 2011 meetings, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

General Services, Health and Environment – Council Member O'Brien stated that the Committee met on August 23, 2011 and discussed Ordinance Number 42.82.11 and Ordinance Number 43.82.11, which were both reported out of Committee with no recommendation.

Parks, Recreation and Family Services – Council Member Rosenzweig stated that the Committee met on August 16, 2011 to have a discussion on the mid-year budget status with the Department of Recreation to discuss and received an update on the various programs that the department offers. He stated that Committee would be scheduling a meeting once Council Member Konev returns from vacation to receive the numbers portion of the departments' budget status.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on the Pesticide Ordinance – Council Member Golby stated that the Committee met on August 31, 2011 to interview applicants to the Pest Management Board. The Committee selected four candidates, all of whom would be invited to meet the full Council at the next Caucus,

Ad Hoc Committee on Residential Permit Parking – Council Member Conti stated that the Committee met and the Albany Police Department is in the process of finalizing the permit parking maps. He stated that Public hearings would be held soon and that the process is moving forward.

CONSIDERATION OF ORDINANCES

Council Member Golby introduced the following:

Ordinance Number 50.91.11

AN ORDINANCE AMENDING ORDINANCE 49.41.10 REGARDING VIOLATIONS OF ARTICLE X AS PASSED ON AUGUST 15, 2011

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

Section 1. Ordinance 49.41.10, which was passed with amendments on August 15, 2011, is hereby amended to read as follows:

Section 255-67. Violations.

Violations of this article shall be punishable by a fine not exceeding One Hundred Dollars (\$100).

Section 2. This ordinance shall take effect ninety (90) days from the original passage on August 15, 2011.

Council Member Conti asked unanimous consent for the discussion and consideration of Ordinance Number 50.91.11, which was approved by unanimous voice vote.

Council Member Golby asked for passage and a roll call vote thereon of Ordinance Number 50.91.11 as previously introduced.

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

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

Affirmative 12 Negative 0 Abstain 0

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 held:

Resolution Number 65.91.11R

RESOLUTION OF THE COMMON COUNCIL APPROVING THE USE OF 506 BRADFORD STREET FOR PARKING SPACES PURSUANT TO SECTION 375-186 OF THE CODE OF THE CITY OF ALBANY

WHEREAS, Chapter 375 of the Code of the City of Albany requires that the Common Council must approve the construction of parking lots that will be constructed in a residential district to serve a commercial use, provided that the parking lot abuts the commercial district where the use to be served is located and the use conforms to the requirements of Section 375-186; and

WHEREAS, 506 Bradford Street is located in a residential district; and

WHEREAS, 208 North Allen Street, owned by Allen Street Associates, LLC, aka, McVeigh Funeral Home, which is located in a commercial district, desires to expand its existing parking lot by constructing parking spaces on the adjoining property at 506 Bradford Street; and

WHEREAS, the construction of parking spaces is contingent upon the property owner gaining approval for said project from the City of Albany Planning Board and the Board of Zoning Appeals; and

WHEREAS, the project will adhere to all parking lot design requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby approves the use of 506 Bradford Street for parking spaces to serve the commercial use of 208 North Allen Street.

Council Member O'Brien along with Co-Sponsors Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, Rosenzweig, Sano and Smith offered the following, asked for passage and a roll call vote thereon:

Resolution Number 66.91.11R

RESOLUTION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REQUESTING THAT RULES GOVERNING THE MINING OF NATURAL GAS INCLUDE PUBLIC DISCLOSURE OF ALL SUBSTANCES USED IN THE PROCESS AND ALSO INCLUDE THE REQUIREMENT THAT MINING OPERATORS PAY FOR SUFFICIENT FUNDING TO COVER THE COSTS OF COLLATERAL DAMAGE TO COMMUNITIES AND SUFFICIENT FUNDING TO COVER THE COST OF ALL STATE INSPECTORS NECESSARY TO PROPERLY REGULATE THE SAFETY OF SUCH MINING OPERATIONS

WHEREAS, the New York State Department of Environmental Conservation is currently reviewing rules governing the mining of natural gas in the State of New York; and

WHEREAS, the natural gas industry in the State of New York is currently planning a major expansion of its natural gas mining operations through a process commonly known as "fracking"; and

WHEREAS, staffing at the New York State Department of Environmental Conservation has been significantly cut in recent years; and

WHEREAS, disclosure of the substances used in the mining process is not required to be made public; and

WHEREAS, potential damage to communities from the mining or the shipping of mining products may present an unfunded cost to communities;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany formally requests that the New York State Department of Environmental Conservation in its rules governing the mining of natural gas in the State of New York: (1) include a requirement for public disclosure of all substances used in the mining process; (2) include a requirement that mining operators pay for sufficient funding to cover the costs of collateral damage to communities; and (3) include a requirement that mining operators pay for sufficient funding to cover the costs state inspectors necessary to properly regulate the safety of such mining operations.

RESOLVED, that a copy of this resolution shall be delivered to the Commissioner of the New York State Department of Environmental Conservation for inclusion as comments into the SEQRA review.

**Note: Council Members O'Brien and Calsolaro spoke on this resolution prior to passage.*

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

Affirmative – Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Jenkins-Cox, 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 Calsolaro discussed reappointment for members to the Gun Violence Implementation Task Force and an upcoming report from the Albany Police Department relating to shots fired and suspected related causes for these shootings in the City of Albany.

ADJOURNMENT

Council Member Conti recognized the 10th Anniversary of the events surrounding 9/11 and moved for adjournment in moment of silence in memory of the lives lost.

A true record of the Common Council Minutes of September 8th, 2011.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL