

ORDINANCES INTRODUCED

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

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

RESOLUTIONS INTRODUCED

- 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
- 91.91.10R** RESOLUTION OF THE ALBANY COMMON COUNCIL ENDORSING THE “FIGHT WASHINGTON CORRUPTION PLEDGE” OF MOVEON.ORG
- 92.91.10R** RESOLUTION RECOGNIZING THE SUSTAINABLE ENERGY FAIR SPONSORED BY THE CAPITAL REGION CLIMATE ACTION FOR 350
- 93.91.10R** RESOLUTION OF THE COMMON COUNCIL AMENDING THE RULES OF PROCEDURE IN RELATION TO PUBLIC COMMENT AT COMMON COUNCIL MEETINGS

Council Member Konev introduced the following:

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.

APPROVED AS TO FORM

August 19, 2010

Corporation Counsel

To: John Marsolais, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: August 19, 2010

ORDINANCE NUMBER 89.91.10

TITLE

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

GENERAL PURPOSE OF LEGISLATION

TO CLOSE AND DISCONTINUE PORTIONS OF WESTERN AVENUE, ROBIN STREET AND WASHINGTON AVENUE, SURROUNDING 27 WESTERN AVENUE, TO BE CONVEYED AT A LATER DATE TO THE SCHOOL DISTRICT. THESE LANDS WILL THEN BE MERGED TOGETHER, WITH 27 WESTERN AVENUE TO FORM A SINGLE TAXABLE PROPERTY.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

CLOSING AND DISCONTINUANCE OF RIGHT-OF WAYS REQUIRES LEGISLATIVE AUTHORIZATION.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE AFTER A PUBLIC HEARING.

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

\$15,000 IN ADDITION TO FUTURE TAXES.

Council Member Konev introduced the following:

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.

**APPROVED AS TO FORM
August 19, 2010**

Corporation Counsel

To: John Marsolais, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: August 19, 2010

ORDINANCE NUMBER 90.91.10

TITLE

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

GENERAL PURPOSE OF LEGISLATION

TO AUTHORIZE THE SALE OF PORTIONS OF THE ROWS SURROUNDING THE SCHOOL DISTRICT'S BUILDING AT 27 WESTERN. THE COUNCIL HAD PREVIOUSLY AUTHORIZED EASEMENTS FOR THESE LANDS. CORP COUNSEL AND THE PLANNING DEPARTMENT BELIEVE IT WOULD BE BETTER TO SELL THE LANDS TO THE DISTRICT SO THAT THEY WILL BE TAXABLE ONCE THE DISTRICT SELLS 27 WESTERN.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW
CONVEYANCE OF MUNICIPAL PROPERTY REQUIRES LEGISLATIVE AUTHORIZATION.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE
N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)
N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)
\$15,000.

FISCAL IMPACT(S)
\$15,000 IN ADDITION TO FUTURE TAXES.

Common Council Member O'Brien offered the following:

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.

To: John C. Marsolais, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: August 17, 2010

RESOLUTION NUMBER 90.91.10R

TITLE

RESOLUTION OF THE COMMON COUNCIL DETERMINING THAT THE DRAFT
GENERAL 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

GENERAL PURPOSE OF LEGISLATION

To declare the Draft Generic Environmental Impact Statement (DGEIS) complete so that the
public comment period can begin with regards to the review of the Solid Waste Management
Plan (SWMP)

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Passage is necessary to begin the public comment period as specified under SEQRA regulation 6
NYCRR 617.12.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

Passage at the September 20, 2010 meeting is requested.

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

N/A

Council Member Konev introduced the following:

Resolution Number 91.91.10R

**RESOLUTION OF THE ALBANY COMMON COUNCIL ENDORSING THE
“FIGHT WASHINGTON CORRUPTION PLEDGE” OF MOVEON.ORG**

WHEREAS, MoveOn.org has started a campaign to end business as usual in Washington D.C. and has set a goal of obtaining 500,000 signatures of individuals who are not represented by lobbyists in Washington; 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 endorse the “Fight Washington Corruption Pledge” of MoveOn.org and the following principles set forth therein:

1. **Overturn Citizens United.** Amend the Constitution to protect America from unlimited corporate spending on our elections by overturning the Supreme Court's decision giving corporations the same First Amendment rights as people.

2. **Fair Elections Now.** Pass the Fair Elections Now Act, 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.** Pass legislation to end the overwhelming influence of corporate lobbyists by: prohibiting individuals from switching from corporate lobbying to government service, or vice versa, within a 5-year 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.

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 and to the offices of MoveOn.org.

TO: John Marsolais, City Clerk

FROM: Anton Konev, Council Member

**RE: Request for Common Council Legislation
Supporting Memorandum**

DATE: August 18, 2010

RESOLUTION NUMBER 91.91.10R

**TITLE: RESOLUTION OF THE ALBANY COMMON COUNCIL ENDORSING
THE “FIGHT WASHINGTON CORRUPTION PLEDGE” OF MOVEON.ORG
CIVIC ACTION**

GENERAL PURPOSE OF LEGISLATION: To formally express the opinion of the Common Council.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: The Big Banks, Big Oil and other corporations have hired an army of lobbyists (often right out of the White House and the federal agencies that are supposed to be regulating them). These lobbyists corrupt the process, block reform, even write their own legislation. They’ve hijacked our Democracy and left the rest of us out in the cold. Check out these facts:

-In the two years leading up to the catastrophic spill in the Gulf, BP hired twelve lobbying firms and paid them \$32 million to press their agenda in Congress.

-Wall Street banks are spending \$500 million a year to block the financial reform legislation.

-Since 1998, the financial sector, including the insurance and real estate industries, has spent more money on federal lobbying than any other sector. In 2009 alone, these companies spent a whopping \$465 million.

-243 lobbyists for the six biggest banks used to work in the federal government – That’s about 40 revolving-door lobbyists per bank.

-The six big banks have spent close to \$600 million on lobbying, trade association activity and political contributions since the first major federal bailout of Bear Stearns in March 2008.

-Citigroup employs 55 revolving-door lobbyists, more than any other big bank or financial industry trade association.

-At nearly \$266.8 million, the pharmaceutical and health products industry's federal lobbying expenditures not only outpaced all other business industries and special interest areas in 2009, but stand as the greatest amount ever spent on lobbying efforts by a single industry for one year.

-Insurers have played the inside game, spending about \$40 million on an army of lobbyists and lavishing campaign contributions on Democrats and Republicans to kill the public option. In all, the health industry spent \$133 million in the second quarter of 2009 alone, more than a million bucks a day

-The U.S. Chamber of Commerce, a leading opponent of the Democrats' plans for health care reform, Wall Street reform, climate change and unionization efforts, once again ranked as the top dog on K Street this quarter. The Chamber and its subsidiaries spent nearly \$30.9 million on federal, state and grassroots lobbying activities.

-In all, special interests spent \$3.47 billion lobbying congress last year.

-In 2010 alone, the oil and gas industry has spent over \$38 million on lobbying.

-At least 150 former members of Congress were actively lobbying their former colleagues last year.

Federal reform is needed and this resolution endorses that reform.

FISCAL IMPACT: None.

Council Member Konev introduced the following:

Resolution Number 92.91.10R

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

WHEREAS, on October 10, 2010 Capital Region Climate Action for 350 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, and La Salle School. A student or 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, as well as numerous other participants; and

WHEREAS, Capital Region Climate Action for 350 is a group of environmental activists that formed in the Capital District in 2009. Their 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.

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 Climate Action for 350 continued success in the Capital Region throughout the coming years.

TO: John Marsolais, City Clerk

FROM: Anton Konev, Council Member

RE: Request for Common Council Legislation
Supporting Memorandum

DATE: August 24, 2010

RESOLUTION NUMBER 92.91.10R

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

GENERAL PURPOSE OF LEGISLATION: To officially express the opinion of the
Common Council.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:
Recognizing an important event committed to raising awareness of solutions to global warming
crisis.

FISCAL IMPACT: None.

Council Member Conti introduced the following:

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.

TO: John Marsolais, City Clerk
FROM: Richard Conti, Council Member
RE: Request for Common Council Legislation
Supporting Memorandum
DATE: August 25, 2010

RESOLUTION NUMBER 93.91.10R

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

GENERAL PURPOSE OF LEGISLATION: To amend the Common Council Rules of Procedure to modify the public comment portion of the meeting.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: This resolution amends the procedure for public comment in order to make sure that the public comment portion of the meeting does not delay the start of the business of the Common Council. Under the current procedure, public comment has been lengthy and the council has not considered legislation until late in the evening. This has the effect of delaying the public vote on important issues and citizens who want to view their government in progress have to wait several hours or may not wait at all due to the late time of the meeting. The NYS Open Meeting Law requires that public business be conducted at a reasonable hour. This amendment will help to insure that business is conducted at a reasonable hour and that the public comment is more focused on issues that the council is considering that evening. The new procedure provides that speakers must sign-up in advance; public comment taken from the list of people who have signed up; comment is for 30 minutes, an additional extension not to exceed 30 minutes is allowed on motion approved by Council, no extension beyond that; additional public comment will be taken from any remaining speakers at end of the meeting after business portion is complete and before any other or misc. business section; and speakers are limited to 5 minutes.

FISCAL IMPACT: None.