

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

**Monday, July 15, 2013**

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, Freeman, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Smith.

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

Council Member Golby led the Pledge of Allegiance.

**President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of Resolution Number 50.72.13R, which was approved by unanimous voice vote.**

**Council Members Smith and Fahey offered RESOLUTION NUMBER 50.72.13R, which had been previously introduced and asked for passage and a roll call vote thereon:**

**RESOLUTION CONGRATULATING RONALD AND PAULINE PERMAUL ON THEIR 75<sup>TH</sup> AND 73<sup>RD</sup> BIRTHDAY, RESPECTIVELY**

WHEREAS, for the past thirty-five years Ronald and Pauline Permaul have contributed in numerous ways to the city of Albany. On August 4, 1978 they left their home in Guyana, South America and migrated to the United States with their seven children, ages 9, 10, 13, 15, 16, 18, and 20. The family stayed with relatives during their first year here and then bought their own home at 26 Jeannette Street in October, 1979 where they have resided ever since. In September, 1984, six years after their arrival, Mr. and Mrs. Permaul became U. S. citizens, and

WHEREAS, Mrs. Permaul's first job was with Travel Lodge in housekeeping. She then worked at Child's Nursing Home for eleven years and retired from the University at Albany where she worked as a cashier in one of the quads, and

WHEREAS, Mr. Permaul's first job was with Pacific Pools. He then worked at the University at Albany for twenty years as a power plant engineer, and

WHEREAS, in 1991 the Permauls opened a business in the neighborhood, a liquor store located at Hurlbut Street and Second Avenue which they ran until 1995, and

WHEREAS, all of the Permauls' seven children pursued higher education after high school graduation and all of them became successful professionals. Two sons also served in the military, one in the Air Force and the other in the Army. Mr. and Mrs. Permaul have been blessed with fourteen grandchildren and sixteen great grandchildren, and

WHEREAS, the Permauls are known for their generosity and sharing. Both of them are accomplished seamstresses and in 2005 they made Caribbean costumes for the CARAMA carnival held in Central Park in Schenectady. They both like to garden and Mr. Permaul often drives across the

river to Rensselaer to take care of a friend's property when she is away. Mr. Permaul can fix anything including but not limited to washers, dryers, irons, and lawn mowers and frequently does repairs for others without wanting anything in return, and

WHEREAS, Mr. and Mrs. Permaul's generosity extends to their community. They both serve as volunteers at the annual Carnival on the Hill in West Hill. Over the years they have unofficially adopted many neighborhood children and their children's friends. On any given day, anyone can stop by their home to eat and engage in great conversation, and

WHEREAS, Mrs. Permaul has faithfully attended the Black Catholic Apostolate for more than twenty-five years and

WHEREAS, on June 21<sup>st</sup> Mr. Permaul celebrated his 75<sup>th</sup> birthday and on June 22<sup>nd</sup> Mrs. Permaul celebrated her 73<sup>rd</sup> birthday. In 2012 they celebrated their fifty-first wedding anniversary.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates Ronald and Pauline Permaul on their 75<sup>th</sup> and 73<sup>rd</sup> birthdays, wishes them continued health and happiness, and expresses appreciation for all that they and their family have contributed to the Albany community.

*\*Note: Council Member Smith spoke on this resolution prior to passage.*

**The resolution passed by the majority vote of the following Council Members:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Smith

**Affirmative 13 Negative 0 Abstain 0**

*Resolution Number 50.72.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Freeman, Herring, Golby, Igoe, Konev, O'Brien, and Rosenzweig*

**PUBLIC COMMENT PERIOD**

1. Doug Melnick, Director, Division of Planning and Sustainability 21 Lodge Street, Albany, NY (Support Local Law B-2013 in relation to the creation of a Sustainability Advisory Committee);
2. Kate Lawrence, Division of Planning and Sustainability, 21 Lodge Street, Albany, NY (Support Local Law B-2013 in relation to the creation of a Sustainability Advisory Committee);
3. Joe Burman, Manager, Corporate Responsibility for Price Chopper (Support Local Law B-2013 in relation to the creation of a Sustainability Advisory Committee);
4. Jody Schmidt-Anderson (no address recorded) (Support Local Law B-2013 in relation to the creation of a Sustainability Advisory Committee);
5. Janine Robitaille, Interfaith Partnership for the Homeless, 176 Sheridan Avenue, Albany, NY (Support Interfaith Partnership for the Homeless);
6. Jack Alvarez, Interfaith Partnership for the Homeless, 176 Sheridan Avenue, Albany, NY (Support Interfaith Partnership for the Homeless);
7. Patty Vale, Interfaith Partnership for the Homeless, 176 Sheridan Avenue, Albany, NY (Support Interfaith Partnership for the Homeless);
8. Mert Simpson, 297 Sheridan Avenue, Albany, NY (Oppose Interfaith Partnership for the Homeless Sheridan Avenue location);

9. Kathy Leyden, 176 Sheridan Avenue, Albany, NY (Support Interfaith Partnership for the Homeless);
10. Patricia Wilhois, 356 Orange Street and Renee Dye, 287 Sheridan Avenue, Albany, NY (Oppose Interfaith Partnership for the Homeless Sheridan Avenue location).

President Pro Tempore Conti made a motion to extend public comment period for an additional 30 minutes, which was approved by unanimous voice vote.

11. George Overstreet, 334 Sheridan Avenue, Albany, NY (Oppose Interfaith Partnership for the Homeless Sheridan Avenue location);
12. Paul Bleckman, 303 Sheridan Avenue, Albany, NY (Oppose Interfaith Partnership for the Homeless Sheridan Avenue location);
13. Daniel Plaat, 187 Elk Street, Albany, NY (Cabaret permit concerns);
14. Eric Garner, 58 Jefferson Street, Albany, NY (Cabaret permit concerns);
15. Paul Bliss, 177 Southern Boulevard, Albany, NY (Cabaret permit concerns);
16. Jesse Calhoun, 604 Providence Street, Albany, NY (Cabaret permit concerns);
17. Timothy Reidy, 44 Bleeker Street, Albany, NY (Repeal cabaret permits);
18. Doris Coles, 232 First Street, Albany, NY (Parking at Lincoln Park).

There being no further speakers, the President declared the public comment period closed.

### **APPROVAL OF MINUTES**

President Pro-Tempore Conti made a motion to approve the minutes of the April 1, 2013 and April 15, 2013 meetings, which was approved by unanimous voice vote.

### **CONSIDERATION OF LOCAL LAWS**

**Council Member Golby offered LOCAL LAW B-2013 (A LOCAL LAW REPEALING PART 8 (CONSERVATION ADVISORY COMMISSION) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY AND CREATING A SUSTAINABILITY ADVISORY COMMITTEE), which had been previously introduced, and asked for passage and a roll call vote thereon.**

*\*Note: Council Members Golby and Calsolaro spoke on this local law prior to passage.*

**The local law passed by the majority vote of the following Council Members:**

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

Negative – Freeman

**Affirmative 12 Negative 1 Abstain 0**

*Local Law B-2013 was co-sponsored by Council Members Bailey, Calsolaro, Conti, Fahey, Herring, Igoe, Konev, O’Brien, Rosenzweig and Smith.*

The remaining local laws on the agenda were held at the request of President Pro Tempore Conti.

### **REPORTS OF STANDING COMMITTEES**

**Public Safety** - Chairwoman Smith stated that the committee would be meeting on July 17, 2013 at 5:30 p.m. to discuss traffic and pedestrian safety.

**Law, Buildings and Code Enforcement** – Chairman Igoe stated that the committee would be meeting on July 24, 2013 at 5:30 p.m. to discuss Ordinance Number 85.82.10 in relation to markings for fire hydrants, Ordinance Number 45.32.10 in relation to engine idling, Ordinance Number 33.41.13 in relation to requirements for door-to-door vendors and Ordinance Number 36.52.13 in relation to ADA accessible taxis.

### **CONSIDERATION OF ORDINANCES**

**Council Member Rosenzweig offered ORDINANCE NUMBER 37.63.13 (AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY REGARDING THE DESIGNATION OF JENNINGS LANDING), which had been previously introduced, and asked for passage and a roll call vote thereon.**

**The ordinance passed by the majority vote of the following Council Members:**

Affirmative – Bailey, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Smith

Present – Calsolaro

**Affirmative 12 Negative 0 Abstain 0 Present 1**

*Ordinance Number 37.63.13 was co-sponsored by Council Members Bailey, Freeman, Igoe and Konev.*

**The remaining ordinances on the agenda were held at the request of President Pro Tempore Conti.**

### **CONSIDERATION OF RESOLUTIONS**

**Council Member O’Brien introduced RESOLUTION NUMBER 45.72.13R, and asked for passage and a roll call thereon:**

**A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE**

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the City of Albany herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED, by the City of Albany Common Council:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Commissioner of the Department of General Services, or his designee, is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

*\*Note: Council Member O'Brien spoke on this resolution prior to passage.*

**The resolution passed by the majority vote of the following Council Members:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Smith

**Affirmative 13 Negative 0 Abstain 0**

**Council Member Conti introduced RESOLUTION NUMBER 46.72.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 221 AND 230 JEFFERSON STREET AND REAR 8 DELAWARE AVENUE**

WHEREAS, Ordinance 38.71.13 was introduced by the City of Albany Common Council on July 1, 2013, which proposed rezoning the properties located at 221 and 230 Jefferson Street and Rear 8 Delaware Avenue from One- and Two-Family Row House Residential District (R-2C) to Neighborhood-Commercial District (C-1); and

WHEREAS, the City of Albany has prepared a short Environmental Assessment Form (short EAF), in conjunction with said proposed rezoning; and

WHEREAS, the action is preliminarily classified as an Unlisted action and is subject to the provisions of the State Environmental Quality Review Act ("SEQRA"), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the Common Council is the most involved agency and, as such, is the most appropriate Lead Agency to conduct a review of the plan in accord with SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed rezoning the properties located at 221 and 230 Jefferson Street and Rear 8 Delaware Avenue and hereby declares itself lead agency pursuant to and under SEQRA;

RESOLVED, that this resolution shall take effect immediately.

**The resolution passed by the majority vote of the following Council Members:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Smith

**Affirmative 13 Negative 0 Abstain 0**

**Council Member Conti offered RESOLUTION NUMBER 47.72.13R, and asked for passage and a roll call vote thereon:**

**A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A WEBMASTER POSITION IN THE OFFICE OF THE MAYOR**

WHEREAS, Section 603(D)(b) of the Charter of the City of Albany requires any personnel titles or salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the City of Albany require the skills and abilities of a Webmaster.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the creation of a position of Webmaster within the Office of the Mayor.

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

**The resolution passed by the majority vote of the following Council Members:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Smith

**Affirmative 13 Negative 0 Abstain 0**

*Resolution Number 47.72.13R was Co-Sponsored by Council Member Konev.*

**Council Member Conti offered RESOLUTION NUMBER 48.72.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL IN SUPPORT OF RAISING AND INDEXING THE FEDERAL MINIMUM WAGE AND THE SUB-MINIMUM WAGE FOR TIPPED WORKERS TO RESTORE IT TO ITS HISTORIC VALUE, AND CALLING UPON CONGRESS TO PASS AND THE PRESIDENT TO SIGN LEGISLATION THAT ACCOMPLISHES SUCH**

WHEREAS, the minimum wage under the federal Fair Labor Standards Act is only \$7.25 per hour, or \$15,000 a year for a full-time, year round worker; and

WHEREAS, the current federal minimum wage leaves full-time earners and their families below the federal poverty line; and

WHEREAS, the federal minimum wage would be over \$10.60 per hour had it kept up with the rising cost of living over the last forty years; and

WHEREAS, 76% of workers earning at or near the minimum wage are adults, and minimum wage earners are disproportionately women and people of color; and

WHEREAS, the federal minimum wage for workers who receive tips has been frozen at a meager \$2.13 since 1991; and

WHEREAS, the overwhelming majority of workers subject to this sub-minimum wage are women; and

WHEREAS, nineteen states have raised their minimum wages above the federal rate, including Alaska, Arizona, California, Colorado, Connecticut, Florida, Illinois, Maine, Massachusetts, Michigan, Missouri, Montana, New Mexico, Nevada, Ohio, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia; and

WHEREAS, ten states index the minimum wage each year to keep pace with the rising cost of living – a key protection to prevent the minimum wage from eroding again; and

WHEREAS, the Fair Minimum Wage Act of 2013, proposed by Senator Tom Harkin (D-IA) and Representative George Miller (D-CA), would raise the federal minimum wage from \$7.25 to \$10.10 per hour, index it each year thereafter to keep pace with the cost of living, and raise the minimum wage for tipped workers to 70% of the regular minimum wage; and

WHEREAS, this increase would raise pay for more than 30 million Americans and generate more than \$32 billion in new economic activity, resulting in more than 140,000 new full-time jobs, as higher sales lead businesses to hire more employees; and

WHEREAS, corporate profits are now the largest share of national income since 1950, while wages and salaries are now the lowest share of national income since 1966; and

WHEREAS, the minimum wage is becoming more important than ever to America's economy as more workers rely on low-wage jobs to make ends meet, and as job growth since the recession has been disproportionately concentrated in low-wage occupations; and

WHEREAS, the most rigorous academic research shows that raising the minimum wage boosts incomes of low-paid workers without reducing employment, even during periods of high unemployment.

NOW, THEREFORE, BE IT RESOLVED, that the Albany Common Council supports raising and indexing the federal minimum wage and the sub-minimum wage for tipped workers to restore it to its historic value, and calling upon Congress to pass and the President to sign legislation that accomplishes such; and

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

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

**The resolution passed by the majority vote of the following Council Members:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Smith

**Affirmative 13 Negative 0 Abstain 0**

*Resolution Number 48.72.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, and Smith.*

**Council Member Commisso introduced RESOLUTION NUMBER 49.72.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH THE OWNERS OF 1 AND 5 RAPP ROAD FOR THE USE AND OCCUPANCY OF PORTIONS OF THE CITY RIGHT-OF-WAY ADJACENT TO SAID PROPERTIES**

BE IT RESOLVED, that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with the owners of 1 and 5 Rapp Road for the use and occupancy of portions of the City right-of-way adjacent to 1 and 5 Rapp Road for the development and maintenance of landscaping upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

**The resolution passed by the majority vote of the following Council Members:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Smith

**Affirmative 13 Negative 0 Abstain 0**

**President Pro Tempore Conti asked and received majority consent to add Resolution Number 51.72.13R to the pending agenda, which was approved by unanimous voice vote.**

**Council Member Freeman introduced RESOLUTION NUMBER 51.72.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING EMERGENCY PURCHASES REGARDING CITY OWNED PROPERTY AT 1 MORTON AVENUE PURSUANT TO THE NEW YORK STATE SECOND CLASS CITIES LAW**

WHEREAS, on or about June 28, 2013 an environmental inspection was commenced on behalf of the City of Albany as the result of recent flooding that impacted the City-owned building located at 1 Morton Avenue; and

WHEREAS, it was determined that earlier flooding had caused dangerous levels of mold to spawn in identified sections of the building; and

WHEREAS, the environmental inspection also identified the need for asbestos remediation in the same flood damaged portions of said building; and

WHEREAS, it has been determined that an emergency situation currently exists as the levels of mold and asbestos detected may endanger the health and welfare of both City personnel as well as property; and

WHEREAS, the situation must be remedied immediately; and

WHEREAS, Section 120 of the New York State Second Class Cities Law authorizes the City to suspend bidding procedures traditionally overseen by the Board of Contract and Supply if such an emergency situation exists.

NOW, THEREFORE, BE IT RESOLVED, that Common Council of the City of Albany finds that an emergency situation exists regarding the City-owned property located at 1 Morton Avenue and that the environmental factors therein may endanger the health and welfare of both City personnel and the property itself.

BE IT FURTHER RESOLVED, that the procurement procedures of the Board of Contract and Supply and the City are hereby suspended as they pertain to the remediation of the emergency situation that exists at 1 Morton Avenue as authorized by the New York State Second Class Cities Law.

RESOLVED, that the Mayor and the involved City departments are hereby authorized to procure such services as they deem necessary in order to remediate the existing emergency situation as it pertains to 1 Morton Avenue.

**The resolution passed by the majority vote of the following Council Members:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Smith

**Affirmative 13 Negative 0 Abstain 0**

*Resolution Number 51.72.13R was co-sponsored by Council Member Konev*

**The remaining resolutions on the agenda were held at the request of President Pro Tempore Conti.**

**MISCELLANEOUS AND UNFINISHED BUSINESS**

**Majority Leader Herring offered the following, which was adopted 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, 2014, AND WAIVE THE READING OF THE NAMES:

1. Robin Johnson, 33 McArdle Ave Albany, NY 12206

Council Member Freeman discussed a fire on Second Avenue that destroyed a historical building. He spoke on how the residents pulled together to assist the family who lost everything in the fire. He

acknowledged the Albany Fire Department and the Albany Police Department for their exceptional response.

Council Member Smith spoke on a local ward leader who passed away and encouraged fellow Council Members to reach out the family.

Council Member Calsolaro spoke about PEG Access television.

### **ADJOURNMENT**

President Pro Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of July 15<sup>th</sup>, 2013.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL