

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, October 6, 2014

The Common Council was convened at 7:00 p.m. and was called to order by President McLaughlin.

The roll being called, the following answered to their names: Council Members Appllys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

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

Council Member Kimbrough led with the Pledge of Allegiance.

PUBLIC COMMENT

1. JoAnn Morton, 34 Alexander Street, Albany, NY (Ladder #1); ba0jbm@hotmail.com
2. Marlon Anderson, 491 Livingston Avenue, Albany, NY (2015 Proposed budget);
3. Robert Powers, 39 Quail Street, Albany, NY (Ladder #1);
4. Skyler Deangelo, 56 Parkwood Street Apt. 8, Albany, NY (Red light cameras);
5. Susan DuBois, 24 Jeanette Street, Albany, NY (Budget and tax exempt properties);
6. Dannielle Hille, 46 Myrtle Avenue, Albany, NY (Ladder Trucks).

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

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

President Pro Tempore Conti made a motion to approve the minutes of the August 4, 2014 with corrections and a motion to approve the August 18, 2014 meetings, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

The local Laws on the pending agenda remained held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES

Public Safety – Chairperson Golby stated the committee met on September 23, 2014 to discuss Ordinance Number 45.92.14 in relation to red light cameras. She stated that Deputy Chief Brendon Cox, Bill Kelly with Corporation Counsel and Alex Slatky from AAANYS were present. The committee will be meeting on October 7, 2014 to continue the discussion.

Housing and Community Development – Chairperson Bailey stated that the committee met last week on Community Development Block Grant (CDBG) funding and how groups are chosen. The CDBG board was comprised of people who were connected to the groups that were approved. The Council was asked to put a letter together and seek individuals that are not connected to the CDBG process. The committee will continue to discuss these issues.

Planning, Economic Development and Land Use – Chairperson Herring stated that the committee would be meeting prior to caucus on October 15, 2014 to discuss Resolution Number 96.92.14R appointing Mr. William J. Brandow to the Historic Resource Commission.

Finance, Taxation and Assessment – Chairperson Commisso stated that the committee would be meeting throughout the month of October to discuss the 2015 proposed budget by departments and encouraged all Council Members to participate.

CONSIDERATION OF ORDINANCES

Council Member Commisso introduced ORDINANCE NUMBER 46.101.14, which was referred to the Finance Committee:

AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 1, 2014, FOR FISCAL YEAR 2015

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

Section 1. The budget as presented by the Mayor on October 1, 2014, is hereby adopted as and for the Budget of the City of Albany for fiscal year 2015.

Section 2. It is hereby ordered and directed that the sums set forth therein as expenditures are hereby appropriated in the amounts and for the several departments, offices and purposes specified therein.

Section 3. It is further hereby ordered and directed that the sums set forth therein as revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City shall be and are hereby applicable in the amounts specified for the purpose of meeting said appropriations.

Section 4. This ordinance shall be effective immediately.

Council Member Igoe introduced ORDINANCE NUMBER 47.101.14, which was held:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF PORTIONS OF DODGE STREET, DOVER STREET AND WALTMAN AVENUE IN THE CITY OF ALBANY, NEW YORK

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

Section 1. It is hereby ordered and directed that the portions of Dodge Street, Dover Street and Waltman Avenue, located within the contiguous boundaries of the properties owned by Congregation Ohav Shalom located at 113 Krumkill Road, 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 Igoe introduced ORDINANCE NUMBER 48.101.14, which was held.

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO THE PORTIONS OF DODGE STREET, DOVER STREET AND WALTMAN AVENUE IN THE CITY OF ALBANY, NEW YORK TO CONGREGATION OHAV SHALOM

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 the discontinued portions of the right-of-ways of Dodge Street, Dover Street and Waltman Avenue, located within the contiguous boundaries of the properties owned by Congregation Ohav Shalom located at 113 Krumkill Road, be conveyed pursuant to the provisions of Local Law No. 4 for 1984 to Congregation Ohav Shalom.

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.

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

CONSIDERATION OF RESOLUTIONS

Council Member Bailey introduced RESOLUTION NUMBER 98.101.14R, asked for passage and a roll call vote thereon

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (SHERIDAN HOLLOW SIDEWALK IMPROVEMENTS [P.I.N. 1757.95])

WHEREAS, a Project for the Sheridan Hollow Sidewalk Improvements P.I.N. 1757.95 (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the cost of Preliminary Design Phases I-VI.

NOW, THEREFORE, the Common Council, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$78,923.00 had been already appropriated pursuant to Ordinance No. 18.22.13 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the additional sum of \$451,711.00 (Seventy eight thousand nine hundred twenty three dollars and no cents) will be appropriated pursuant to Ordinance Nos. 3.31.14 and 8.41.14 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

President Pro Tempore Conti asked majority consent to add Resolution Number 99.101.14R to the pending agenda and a roll call vote

**Note: Council Members Krasher and Fahey spoke on this motion.*

The motion passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, O'Brien and Robinson

Negative – Fahey

Present – Kornegay

Affirmative 13 Negative 1 Abstain 0 Present 1

Council Member Krasher introduced RESOLUTION NUMBER 99.101.14R(MC), which was referred to the Finance, Taxation and Assessment Committee:

RESOLUTION OF THE COMMON COUNCIL URGING MAYOR SHEEHAN TO RENEGOTIATE THE SURROUNDING COMMUNITY AGREEMENT WITH SARATOGA HARNESS RACING TO USE FUNDING FOR THE CITY OF ALBANY BUDGET

WHEREAS, in August of 2014, Mayor Sheehan entered into an agreement on behalf of the City of Albany with Saratoga Harness Racing as developer of the East Greenbush proposed casino, and

WHEREAS, the Mayor agreed that in the event Saratoga Harness Racing was awarded a casino license, they would pay the Capitalize Albany Corporation, a local not-for-profit, \$1,000,000.00 and thereafter make payments of \$1,000,000.00 annually to Capitalize Albany Corporation for a period of ten years, and

WHEREAS, since the finalization of this agreement, the Mayor has proposed a budget for fiscal year 2015 containing several significant cuts including cuts in city services, most notably a ladder truck at the South End Station in the Second Ward, one of the poorest neighborhoods in the City. This proposed budget also includes precarious revenue estimates which may go unrealized, further hurting the financial situation of the City, such as the assumption that legislation will be enacted authorizing red light cameras and that said cameras will be installed and operational almost immediately and that the City will comply with all the recommendations of the Financial Restructuring Board in order to receive the full funding amount without knowing what those recommendations may be, and

WHEREAS, it is likely that the casino license will be awarded before the end of the 2014 fiscal year and potentially before the City budget is acted upon by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany urges the Mayor to immediately renegotiate the contract with Saratoga Harness Racing to change the payee to the City of Albany and remove Capitalize Albany Corporation as the recipient of this funding due to the dire nature of city finances at this time.

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority President Herring offered the following, which was approved by unanimous 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. Richard L. Vanderbilt, 732 Lawson Lake Road Feura Bush, NY 12067
Mailing Address: 162 Washington Ave., Albany, NY 12206

Council Member Golby stated that the stuffed chicken that was on her desk is missing.

ADJOURNMENT

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

A true record of the Common Council Minutes of October 6th, 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
COMMON COUNCIL