

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

**Monday, October 21, 2013**

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

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Sano and Smith.

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

Council Member Commisso led the Pledge of Allegiance.

**Majority Leader Herring made a motion to change the order of business to allow for the consideration of RESOLUTION NUMBER 87.102.13R, which was approved by unanimous voice vote.**

**Council Member Golby introduced RESOLUTION NUMBER 87.102.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING EDNA RINALDI FOR HER CONTRIBUTIONS TO OUR CITY**

WHEREAS, Edna Agnes was born on May 22, 1913, to Stephen and Margaret Remancus in the Village of Hoosick Falls, New York. She was one of eleven children. In addition to Edna, her brother, Albert, and sister, Florence remain living today; and

WHEREAS, Edna moved from Hoosick Falls to Troy and worked at Saint Joseph's Infant Home prior to getting married; and

WHEREAS, on December 26, 1942, Edna married Ambrose Rinaldi at Saint James Church in Albany. While they had no children, Edna loved children and therefore, she often babysat for the children of family and friends and;

WHEREAS, Edna and Ambrose lived on Morton Avenue in Albany, and Edna enjoyed the Lincoln Park pool all summer long. She was an excellent swimmer and taught many kids how to swim; and

WHEREAS, in 1962, Edna was sworn in as a crossing guard by the Albany Police Department. She worked at Morton Avenue and Swan Street, not far from her home; and

WHEREAS, after her husband passed away in 1975, Edna moved to the Pine Hills neighborhood and she was reassigned to South Main and Madison Avenue where she worked until 2011; and

WHEREAS, Edna's work did not end when school got out in June. She spent many summers working in Ridgetfield Park monitoring the children who played in the sprinklers; and

WHEREAS, with almost 50 years of service, Edna took her work very seriously, made many friends and acquaintances, and became an integral part of the fabric of the Pine Hills community; and

WHEREAS, May 22, 2013, marked Edna's 100<sup>th</sup> birthday which was proclaimed by Mayor Gerald D. Jennings as "Edna Rinaldi Day" in the City of Albany; and

WHEREAS, Edna recently moved out of Pine Hills into a retirement community.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council hereby recognizes Edna Rinaldi for her many contributions to the children and families of the City of Albany and wishes her much health and happiness.

*\*Note: Council Members Golby and Fahey spoke on the resolution prior to passage.*

**The resolution passed by unanimous voice of the following Council Members:**

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

**Affirmative 12 Negative 0 Abstain 0**

*Resolution Number 87.102.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith*

**PUBLIC HEARING**

Clerk to the Common Council Nala Woodard read the notice of the public hearing on Ordinance Number 45.92.13 (AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF 182 NORTH ALLEN STREET FROM ONE- AND TWO-FAMILY FAMILY RESIDENTIAL DISTRICT (R-2A) TO NEIGHBORHOOD-COMMERCIAL DISTRICT (C-1) AND AMENDING THE ZONING MAP ACCORDINGLY). The following individuals spoke:

1. Paul Mendel, the zoning applicant and developer;
2. Allen Lescak, 375 Manning Boulevard, Albany, NY;
3. Anne Kokeman, 335 Manning Boulevard, Albany, NY;
4. Ken Barnes, 395 Manning Boulevard, Albany, NY;
5. Alfredo Balarin, 408 Manning Boulevard, Albany, NY.

There being no further speakers, the President Pro-Tempore declared the public hearing closed.

**PUBLIC COMMENT PERIOD**

1. John Wolcott, 344 Sheridan Avenue, Albany, NY (Archeological sites in the City of Albany).

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

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Majority Leader Herring made a motion to approve the minutes of the July 15, 2013, August 5, 2013, August 19, 2013 and September 3, 2013, which was approved by unanimous voice vote.

**CONSIDERATION OF LOCAL LAWS**

**Council Member Sano introduced Local Law C-2013, which was referred to the Finance, Taxation and Assessment Committee:**

**A LOCAL LAW AMENDING ARTICLE XV (HOMESTEAD AND NONHOMESTEAD BASE PROPORTIONS) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY**

**BE IT ENACTED by the Common Council of the City of Albany as follows:**

**Section 1. Section 333-123 of Article XV of Chapter 42 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 333-123. Expiration.**

This article shall cease to have force and effect and shall not apply to taxes levied on the [~~2013~~] 2018 final assessment roll and to taxes levied on subsequent rolls.

**Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.**

The remaining local laws on the agenda were held at the request of Majority Leader Herring.

**REPORTS OF STANDING COMMITTEES**

**Finance, Taxation and Assessment** – Chairperson Sano stated that the committee has been meeting with departments on the departmental budgets.

**CONSIDERATION OF ORDINANCES**

**Council Member Commisso introduced ORDINANCE NUMBER 53.102.13, which was held:**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO 73 ORCHARD AVENUE OVER, UPON AND UNDER A PORTION OF THE CITY RIGHT-OF-WAY OF ORCHARD AVENUE IN THE CITY OF ALBANY**

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

Section 1. It is hereby authorized that the City of Albany grant a permanent easement to the owner of 73 Orchard Avenue over, upon and under a portion of the City right-of-way of Orchard Avenue, adjacent to 63 Orchard Avenue (Tax Map #63.36-1-3) and 73 Orchard Avenue (Tax Map #63.28-1-28), in the City of Albany.

Section 2. The form, content, terms and conditions of such easements shall be approved by the Corporation Counsel.

Section 3. The Grantees shall not hinder, interfere with, prevent, delay, obstruct or adversely affect the Grantor in the reasonable exercise of its governmental operations or function.

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

**The remaining ordinances on the agenda were held at the request of Majority Leader Herring.**

**CONSIDERATION OF RESOLUTIONS**

**Council Member Sano introduced RESOLUTION NUMBER 86.102.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE ALBANY COMMON COUNCIL COMMEMORATING  
OCTOBER AS NATIONAL ITALIAN-AMERICAN HERITAGE MONTH**

WHEREAS, Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law and politics; and

WHEREAS, Italian Americans have won prestigious prizes, such as the Nobel Prize, the Pritzker Award for architecture, and the Fields Medal for mathematics; and

WHEREAS, Italians and Italian Americans invented pianos, violins, calendars, radios, telescopes, compasses, microscopes, thermometers, eye glasses, steam engines, typewriters and batteries; and

WHEREAS, Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotto and Michelangelo and the inspirational music of Antonio Vivaldi and Domenico Scarlatti; and

WHEREAS, Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813; and

WHEREAS, Italians, like Amerigo Vespucci and Christopher Columbus, were some of the first Europeans to explore the American continents and illustrate the geography; and

WHEREAS, in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first European explorer to record his findings on the Americas, a national observance day was established in October 1937 by President Franklin Roosevelt proclaiming every October 12<sup>th</sup> as Columbus Day, and in 1971 amended, by President Richard Nixon as a federal public holiday on the 2nd Monday in October of every year; and

WHEREAS, the Americas were named after the Italian explorer Amerigo Vespucci; and

WHEREAS, our freedom itself was gained with the help of three Italian regiments that crossed the Atlantic to fight in the Revolutionary War; and

WHEREAS, in later wars and conflicts, dozens of Italian-Americans would receive the Medal of Honor including Albany native Peter D'Alessandro; and

WHEREAS, the phrase in the Declaration of Independence "All men are created equal", was suggested by the Italian patriot and immigrant Philip Mazzei; and

WHEREAS, William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

WHEREAS, Italian Americans have toiled and labored while helping to build our Nation's infrastructure, including railroads, tunnels, highways and subways; and

WHEREAS, a great many Americans have enjoyed the entertainment provided by Italian Americans, such as Hall of Fame baseball players Joe DiMaggio and Phil Rizzuto, singer and songwriter Frank Sinatra, world-renowned composer Henry Mancini and Oscar-winning actor Robert DeNiro; and

WHEREAS, the people of the United States take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our Nation's history in the scientific field such as Enrico Fermi, who won the 1938 Nobel Prize in Physics; and

WHEREAS, great Italian American political figures, such as Fiorella LaGuardia (who was both Mayor of, then Congressman from, New York City), Anthony Celebrezze (who, in the Kennedy administration, was the first Italian American Cabinet member), and Antonin Scalia (who, in 1982, became the first Italian American Supreme Court Justice), have enriched the political process and brought national pride to our country; and

WHEREAS, over 6 million Italians have immigrated to the United States, which today has resulted in almost 30 million Americans of Italian descent in the United States, making them the fifth largest ethnic group; and

WHEREAS, during October special attention should be directed in our schools and other local programs to promote Italian heritage and culture.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany supports the goals and ideas of "Italian-American Heritage Month" and encourages the community to recognize the significant contributions that Italian-Americans have made to the United States.

**The resolution passed by unanimous voice of the following Council Members:**

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

**Affirmative 12 Negative 0 Abstain 0**

*Resolution Number 86.102.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith*

**Council Member Herring introduced RESOLUTION NUMBER 88.102.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ANDREA J. LAZARSKI AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION**

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, and Section 42-85 of Chapter 42 of the Code of the City of Albany, appointed Andrea J. Lazarski as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Andrea J. Lazarski be confirmed as a member of the Historic Resources Commission for a term ending December 31<sup>st</sup>, 2016.

**The resolution passed by unanimous voice of the following Council Members:**

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

**Affirmative 12 Negative 0 Abstain 0**

*Resolution Number 88.102.13R was co-sponsored by Council Members Conti, Konev and Sano.*

**Council Member Smith introduced RESOLUTION NUMBER 89.102.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF AN ASSISTANT CHIEF POSITION AND THE CREATION OF A COMMANDER POSITION IN THE ALBANY POLICE DEPARTMENT**

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 Albany Police Department require the skills and abilities of a Commander rather than those of an Assistant Chief.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the elimination of one current position of Assistant Chief and the creation of a position of Commander within the Albany Police Department.

**The resolution passed by unanimous voice of the following Council Members:**

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

**Affirmative 12 Negative 0 Abstain 0**

**Council Member Smith introduced RESOLUTION NUMBER 90.102.13R, and asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL APPROVING THE USE OF 37, 39, 41 AND 43 ERIE 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, 37, 39, 41, and 43 Erie Street is located in a residential district; and

WHEREAS, 1205 Broadway, owned by Leslie Plaine, d/b/a, Broadway Bicycle Company, which is located in a commercial district, desires to construct a parking lot on the adjoining properties at 37, 39, 41 and 43 Erie Street; and

WHEREAS, the proposed parking lot was approved by the City of Albany 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 37, 39, 41 and 43 Erie Street for a parking lot to serve the commercial use of 1205 Broadway.

**The resolution passed by unanimous voice of the following Council Members:**

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

**Affirmative 12 Negative 0 Abstain 0**

**Council Member Commisso withdrew RESOLUTION NUMBER 68.82.13R.**

**Council Member Fahey asked offered RESOLUTION NUMBER 82.101.13R (A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A CLERK TYPIST II POSITION IN THE DEPARTMENT OF ADMINISTRATIVE SERVICES, PERSONNEL OFFICE), which had been previously introduced, and asked for passage and a roll call vote thereon.**

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

**The resolution passed by unanimous voice of the following Council Members:**

Affirmative – Bailey, Commisso, Conti, Fahey, Golby, Herring, Igoe, O’Brien, and Sano

Negative – Calsolaro, Konev and Smith

**Affirmative 9 Negative 3 Abstain 0**

**The remaining resolutions on the agenda were held at the request of Majority Leader Herring.**

**MISCELLANEOUS AND UNFINISHED BUSINESS**

None.

**ADJOURNMENT**

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

A true record of the Common Council Minutes of October 21<sup>st</sup>, 2013.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL