

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

**Monday December 1, 2014**

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

The roll call being called, the following answered to their names: Council Members Applys, 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 Doesschate led with the Pledge of Allegiance.

## **PUBLIC COMMENT**

1. Roslyn Jefferson, 687 Morris Street, Albany, NY (2015 proposed budget);
2. Jonathan Capra, 847 New Scotland Avenue, Albany, NY (Red light cameras);
3. Dominick Calsolaro, 35 Clare Avenue, Albany, NY (2015 proposed budget/Citywide Assessment);
4. Andres Rivera, 20 Corlear Street, Albany, NY (Tax exempt properties);
5. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Budget process);
6. Mark Mishler, 58 South Manning Boulevard, Albany, NY (Albany Citizen Police Review Board);

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

7. Willie White, 62 Delaware Street, Albany, NY (Budget process/The Equity Agenda);
8. Fred Pfeiffer, 124 North Pine Avenue, Albany, NY (Privatizing crossing guards/tax revenue);
9. Nancy Burton, 19 Golder Street, Albany, NY (2015 proposed budget);
10. Thomas Hoey, 19 Vine Street, Albany, NY (Crossing guards).

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 October 20, 2014 and November 3, 2014 minutes, which was approved by unanimous voice vote.**

## **CONSIDERATION OF LOCAL LAWS**

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

## **REPORTS OF STANDING COMMITTEES**

**NONE**

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

### **CONSIDERATION OF RESOLUTIONS**

**Council Member O'Brien introduced RESOLUTION NUMBER 107.121.14R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT WITH ALL MUNICIPALITIES WITHIN ALBANY COUNTY**

WHEREAS, it is in the best interests of the City of Albany taxpayers for government entities to obtain quality goods and services at the most economical price; and

WHEREAS, all participating government entities would benefit from a program designed to purchase those items that are in common use under the umbrella of a cooperative single bid procedure; and

WHEREAS, the Purchasing Director has indicated that significant savings can be achieved through a Cooperative Purchasing Agreement with all municipalities within Albany County, wherein commodity and service needs are combined to offer prospective vendors higher volume opportunities which result in lower costs; and

WHEREAS, the City of Albany or any municipality in Albany County may be the lead agency and it is understood and agreed that each participating entity will make its own separate purchasing agreement with select bidders, that each entity shall only be liable to the successful bidder for materials, supplies and services contracted by such entity without any further liability for purchases contracted by any other participating entity and each bid winner shall be required to bill each participating entity directly for their purchases.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be, and hereby is, authorized to enter into a Cooperative Purchasing Agreement with all municipalities within Albany County as described in the aforementioned terms.

BE IT FURTHER RESOLVED that such Agreement is subject to the review and approval of the Corporation Counsel.

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

Affirmative – Applrys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson  
**Affirmative 15 Negative 0 Abstain 0**

**Council Member Commisso introduced RESOLUTION NUMBER 108.121.14R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT WITH ALL MUNICIPALITIES WITHIN ALBANY COUNTY**

WHEREAS, it is in the best interests of the City of Albany taxpayers for government entities to obtain quality goods and services at the most economical price; and

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WHEREAS, the City of Albany or any municipality in Albany County may be the lead agency and it is understood and agreed that each participating entity will make its own separate purchasing agreement with select bidders, that each entity shall only be liable to the successful bidder for materials, supplies and services contracted by such entity without any further liability for purchases contracted by any other participating entity and each bid winner shall be required to bill each participating entity directly for their purchases.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be, and hereby is, authorized to enter into a Cooperative Purchasing Agreement with all municipalities within Albany County as described in the aforementioned terms.

BE IT FURTHER RESOLVED that such Agreement is subject to the review and approval of the Corporation Counsel.

**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**

**Council Member Commisso introduced RESOLUTION NUMBER 109.121.14R, which was approved by unanimous voice vote:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY OF 2015 BUSINESS IMPROVEMENT DISTRICT (BID) CHARGES AND AUTHORIZING THE TREASURER TO PLACE SUCH CHARGES ON THE 2015 TAX BILLS**

WHEREAS, the Lark Street Area Business Improvement District (BID) was established by the Common Council on November 6, 1995 by Local Law No. 10-1995; and

WHEREAS, the Downtown Albany Business Improvement District (BID) was established by the Common Council on November 20, 1995 by Local Law No. 11-1995; and

WHEREAS, the Central Business Improvement District (BID) was established by the Common Council on November 17, 1997 by Local Law No. 5-1997; and

WHEREAS, the operation of the BID is governed by the provisions set forth in Article 19-A of the General Municipal Law, Section 980j of which requires that the expense incurred in the operation of the district shall be financed in accordance with the district plan upon which the establishment of the district was based, and that the district charge upon benefited real property shall be imposed as provided in the district plan; and that the charge shall be determined, levied, and collected in the same manner and at the same time and by the same officers as the general municipal taxes are levied and collected; and

WHEREAS, the proposed 2015 Lark Street BID budget, includes \$92,403.62 in anticipated revenue to be generated by the BID charge; and;

WHEREAS, the proposed 2015 Downtown BID budget, includes \$667,060.12 in anticipated revenue to be generated by the BID charge; and;

WHEREAS, the proposed 2015 Central BID budget, includes \$595,532.65 in anticipated revenue to be generated by the BID charge; and;

NOW, THEREFORE, BE IT RESOLVED, that the combined amount of the three BID budgets totaling \$1,354,996.39 shall constitute a levy of the amount to be raised by the BID charge, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in each BID in accordance with the BID plans, and to collect the same.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$1,354,996.39, shall be placed on the 2015 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties' 2015 tax bills.

RESOLVED, that the charges totaling \$1,354,996.39 represent the following:

- 1) Lark Street Area Business Improvement District - \$92,403.62
- 2) Downtown Albany Business Improvement District - \$667,060.12
- 3) Central Business Improvement District - \$595,532.65

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

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

Affirmative – Applrys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson  
**Affirmative 15 Negative 0 Abstain 0**

**Council Member Commisso introduced RESOLUTION NUMBER 110.121.14R, which was approved by unanimous voice vote:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID WATER AND SEWER CHARGES**

WHEREAS, Section 604(e) of the Charter of City of Albany states that “all water and sewer charges shall be collected by the City Treasurer in the manner set forth in Second Class Cities Law and be a lien upon the property assessed as a general City tax and as a part thereof shall be levied and collected” pursuant to the procedures set forth in Section 604 of the City Charter; and

WHEREAS, Public Authorities Law Section 1115-i(9) calls for all unpaid water and sewer charges in the preceding year to be levied and placed on annual tax rolls of the City of Albany under the name “delinquent water and sewer charges”; and

WHEREAS, the Chief Financial Officer of the Albany Water Board has filed with the City of Albany a statement of unpaid water and sewer charges for the year 2014 totaling \$4,014,902.06.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be a delinquent water and sewer charge levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid water and sewer charges for the year 2014 by the Albany Water Board.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$4,014,902.06 shall be placed on the 2015 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2015 tax bills.

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

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

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

**Affirmative 15 Negative 0 Abstain 0**

**Council Member Commisso introduced RESOLUTION NUMBER 111.121.14R, which was approved by unanimous voice vote:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID CHARGES OF THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES, DEPARTMENT OF BUILDING AND CODES AND THE DEPARTMENT OF GENERAL SERVICES**

WHEREAS, the Department of Fire and Emergency Services was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of Building and Codes was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of General Services was created under Part 5 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, all of the above-referenced departments have the ability to apply charges to real property the services they perform at those properties during the course of any tax year; and

WHEREAS, those charges are transmitted to the Treasurer of the City of Albany and collected by the Treasurer; and

WHEREAS, Chapter 258, Section 258-2 of the Code of the City of Albany provides that “any unpaid fees, fines or penalties levied against property, or owner(s) thereof, within the City of Albany that are owed to the City of Albany for the violation of any or all City laws, ordinances and promulgations, and of all state laws, shall be and remain a lien against the property, and such fees, fines or penalties shall be collected by the City from the owner(s) of such property in the same manner as taxes are collected, in that such fees, fines or penalties shall be added to the property tax bill of the subject property”; and

WHEREAS, on or about November 15 of each year, the Treasurer creates an accounting of all these charges that remain uncollected from the preceding year; and

WHEREAS, all of these charges uncollected in the preceding year need to be levied and placed on the annual tax roll of the City of Albany; and

WHEREAS, the Treasurer of the City of Albany has filed with the Common Council a statement of unpaid charges for the year 2014 totaling \$737,093.51.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be delinquent charges levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid charges for the year 2014 by the City of Albany.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$737,093.51, shall be placed on the 2015 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2015 tax bills.

RESOLVED, that the charges totaling \$737,093.51 represent the following:

- 1) Delinquent Board Up Charges - \$22,344.77
- 2) Delinquent Demolition Charges - \$293,685.00
- 3) Delinquent Illegal Debris Charges - \$379,432.70
- 4) Delinquent Snow Removal Charges - \$32,102.29
- 5) Delinquent ROP Charges - \$9,528.75

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

**The resolution passed by the following voice 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**

**Council Member Kornegay introduced RESOLUTION NUMBER 112.121.14R, which was approved by unanimous voice vote:**

**RESOLUTION IN SUPPORT OF THE CITY OF ALBANY’S APPLICATION FOR A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DESIGNATION AS A PROMISE ZONE**

WHEREAS, the Promise Zones competition is part of the President Obama’s plan to create a new pathway to the middle class by partnering with local communities and businesses to create jobs, increase economic security, improve educational opportunities and reduce violent crime; and

WHEREAS, urban, rural and tribal communities nationwide are invited to put forward a plan to partner with local business and community leaders to make evidence-based investments that reward hard work and expand opportunity. In exchange, the designated communities will receive preferred access to certain competitive federal investments that further their strategic plans, federal staff on the ground to help implement goals and five full-time AmeriCorps VISTA members to recruit and manage volunteers to strengthen the capacity of Promise Zone partners; and

WHEREAS, Promise Zones focus on helping communities work together and partner with the federal government to meet their goals; and

WHEREAS, the City of Albany is applying to the U.S. Department of Housing and Urban Development to be designated as a Promise Zone.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Albany hereby supports the City of Albany in its application to be designated as a Promise Zone.

**The resolution passed by the following voice 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**

**Council Member Commisso asked for vote voice of RESOLUTION NUMBER 102.111.14R (RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH STEWART’S SHOPS FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY OF WESTERN AVENUE ADJACENT TO 1050 WESTERN AVENUE), which had been previously introduced**

**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**

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

## **CONSIDERATION OF ORDINANCES**

**Council Member Krasher introduced ORDINANCE NUMBER 51.121.14, which was referred to the Public Safety Committee:**

**AN ORDINANCE AMENDING ARTICLE XIV (TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY**

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

**Section 1. Section 359-138 of Article XIV of Chapter 359 is hereby amended by adding a new Subsection W as follows:**

W. Wherever a traffic-control signal photo violation-monitoring device is installed, a five second yellow signal shall be mandatory at that intersection. Each such intersection shall be monitored on a monthly basis to confirm that the signal is not malfunctioning and that the yellow light remains at 5 seconds.

**Section 2. This ordinance shall take effect immediately.**

**President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of ORDINANCE NUMBER 49.102.14, which was approved by unanimous voice vote.**

**Council Member O'Brien asked for passage of ORDINANCE NUMBER 49.102.14 (AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 10, 32 AND 40 NORTH RUSSELL ROAD AND REAR 18 RUSSELL ROAD FROM GENERAL INDUSTRIAL DISTRICT (M-1) TO HIGHWAY COMMERCIAL DISTRICT (C-2) AND AMENDING THE ZONING MAP ACCORDINGLY), which had been previously introduced**

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

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

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

**Affirmative 15 Negative 0 Abstain 0**

**Council Member Conti offered ORDINANCE NUMBER 50.113.14:**

**AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 1, 2014, WITH AMENDMENTS, 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 with the following amendments.

<b><u>GENERAL FUND ADDITIONS TO EXPENDITURES</u></b>	<b>Account</b>	<b>Amount</b>
<b>Add School Crossing Officers (60) to Police Department</b> Adds school crossing officers back onto City payroll at a minimum rate of \$14.51 per hour.	<b>A.3120.7130</b>	<b>361,631</b>
<b>Add School Crossing Supervisors (4) to Police Department</b> Adds school crossing officers back onto City payroll.	<b>A.3120.7130</b>	<b>44,951</b>
<b>FICA for School Crossing Officers and Supervisors</b> FICA for adding school crossing officers back onto City payroll.	<b>A.3120.7801</b>	<b>31,103</b>
<b>Increase Unemployment for Police Department</b> Increase for adding school crossing officers back onto City payroll.	<b>A.3120.7801</b>	<b>20,348</b>
<b>Increase Supplies for Police Department</b> Increase for adding school crossing officers back onto City payroll.	<b>A.3120.7410</b>	<b>1,808</b>
<b>Add Mileage Reimbursement for Police Department</b> Increase for adding school crossing officers back onto City payroll.	<b>A.3120.xxxx</b>	<b>6,384</b>
<b>Add Recruitment for Police Department</b> Increase for adding school crossing officers back onto City payroll.	<b>A.3120.xxxx</b>	<b>4,500</b>

<b>TOTAL GENERAL FUND ADDITIONS TO EXPENDITURES</b>	<b>470,725</b>
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<b><u>GENERAL FUND REDUCTIONS TO EXPENDITURES</u></b>	<b>Account</b>	<b>Amount</b>
<b>Reduce Contracted Services for Police Department</b> Cost of privatizing school crossing officers.	<b>A.3120.7440</b>	<b>(470,725)</b>

**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 O'Brien made a motion to amend ORDINANCE NUMBER 50.113.14 with Amendment A and asked for a roll call vote thereon:**

<b><u>ADDITIONS TO EXPENDITURES</u></b>	<b>Account</b>	<b>Amount</b>
<b>Add Stipend for Clerk of the Common Council</b>	<b>A1010.7110</b>	<b>\$10,000</b>

*The amendment provides a stipend for duties performed by the Clerk of the Common Council.*

<b>Increase Senior Legislative Aide Salary</b>	<b>A1010.7150</b>	<b>\$1,188</b>
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*The amendment provides for a 3 percent increase to the salary of the Senior Legislative Aide.*

<b>Increase Research Counsel Salary</b>	<b>A1010.7120</b>	<b>\$1,145</b>
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*The amendment provides for a 3 percent increase to the salary of the Research Counsel.*

<b>Increase Contracted Services</b>	<b>A1010.7440</b>	<b>\$29,000</b>
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*The amendment provides for an increase in contracted services of the Common Council.*

<b>TOTAL ADDITIONS TO EXPENDITURES:</b>	<b>\$41,333</b>
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<b><u>REDUCTIONS TO EXPENDITURES</u></b>	<b>Account</b>	<b>Amount</b>
<b>Reduce Policy/Fiscal Analyst</b>	<b>A1010.7120</b>	<b>\$40,000</b>

*The Policy/Fiscal Analyst position is eliminated.*

<b>Decrease Social Security Line Items</b>	<b>A1010.7801</b>	<b>\$2,117</b>
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*The amendment provides for decreased Social Security expense of the Common Council.*

<b>TOTAL REDUCTIONS TO EXPENDITURES:</b>	<b>\$42,117</b>
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<b>NET FISCAL IMPACT (to be transferred to Fund Balance):</b>	<b>(\$784)</b>
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*\*Note: Council Members O'Brien, Applyrs, Krasher, Conti, Herring, Golby, Commisso, Doesschate and President McLaughlin spoke on this amendment prior to the roll call vote.*

**The amendment failed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative –Bailey, Commisso, Flynn, Kimbrough, Krasher and O'Brien

Negative – Applyrs, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kornegay and Robinson

**Affirmative 6 Negative 9 Abstain 0**

**Council Member Conti asked for a roll call vote for ORDINANCE NUMBER 50.113.14:**

*\*Note: Council Member Conti, Krasher, Kornegay, Commisso, Fahey, Robinson, Golby, Igoe, Applyrs, and Doesschate. spoke on this ordinance prior to passage.*

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

Affirmative – Applyrs, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay and Robinson

Negative – Bailey, Commisso, Krasher and O’Brien

**Affirmative 11 Negative 4 Abstain 0**

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

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

NONE

### **ADJOURNMENT**

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

A true record of the Common Council Minutes of December 1<sup>st</sup>, 2014.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
COMMON COUNCIL