

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, April 1, 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, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith.

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

Council Member Bailey led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (Ida Yarbrough police drill/Office of Urban Affairs/SNUG/Cabaret licensing);
2. Melanie Tremble, NY Civil Liberties Union (Resolution 19.41.13R in relation to Women's Equality Agenda);
3. David Mikhalov, 77 Hollywood Avenue, Albany, NY 12208 (Internet access providers);
4. Vincent Riguso, 13 Beach Avenue, Albany, NY 12203 (Resolution 22.41.13R relating to school budget polling places);
5. Jesse Calhoun, 873 Western Avenue, Albany, NY 12203 (Ida Yarbrough police drill);
6. Daniel Plaat, 187 Elk Street, Albany, NY 12210 (Ida Yarbrough police drill);
7. Tim Carney, 277 Delaware Avenue, Albany, NY 12209 (Veteran's Day parade).

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

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Housing and Community Development – Chairman Calsolaro stated that the committee met on March 31, 2013 prior to caucus to discuss Resolution Number 18.41.13R in relation to the CDBG Annual Action Plan. He stated that CDBG funding would now be deposited into the City's general fund. Commissioner Yevoli informed the committee that details are being worked out on how the money would be distributed.

CONSIDERATION OF ORDINANCES

Council Member Fahey introduced ORDINANCE NUMBER 32.41.13, which was held:

**AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A
PERMANENT AIR EASEMENT TO ALBANY MEDICAL CENTER OVER A**

PORTION OF THE CITY RIGHT-OF-WAY OF MYRTLE AVENUE IN THE CITY OF ALBANY FOR THE CONSTRUCTION OF A PATIENT BUILDING

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 air easement to Albany Medical Center over a portion of the City right-of-way of Myrtle Avenue, adjacent to 43 New Scotland Avenue, in the City of Albany.

Section 2. The form, content, terms and conditions of such easement 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.

Council Member Igoe introduced ORDINANCE NUMBER 33.41.13, which was referred to the Law, Buildings and Code Enforcement Committee:

AN ORDINANCE AMENDING CHAPTER 363 (VENDORS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO REQUIREMENTS FOR DOOR-TO-DOOR VENDORS

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

Section 1. Section 363-9 of Chapter 363 of the Code of the City of Albany is amended to read as follows:

§ 363-9. Requirements for door-to-door vendors.

- A. No door-to-door vendor shall enter any house, building or premises where there is posted on the front of the house, building or premises a written notice stating that vendors are not desired, unless the vendor has received the prior consent of the occupant.
- B. No door-to-door vendor shall make false statements or misrepresentations in the course of his activities. The vendor shall conduct himself at all times in an orderly and lawful manner.
- C. In addition to any requirements promulgated by the City Clerk, an applicant for a door-to-door vending license must consent to a background check involving fingerprint identification prior to the issuance of said license.

Section 2. This ordinance shall take effect immediately.

Council Member Conti introduced ORDINANCE NUMBER 34.41.13, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO USES WITHIN C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICTS

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

Section 1. Section 71 of Chapter 375 of the Code of the City of Albany is amended by adding a new undesignated opening paragraph to read as follows:

§ 375-71. C-1 Neighborhood Commercial District.

The C-1 Neighborhood Commercial District provides for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations in the C-1 Zoning District are low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation and utilities.

Section 2. This ordinance shall take effect immediately.

President Pro Tempore Conti made a motion to discharge Ordinance Numbers 21.22.13, 22.31.13 and 30.31.13 from the Finance, Taxation and Assessment Committee for consideration, which was approved by unanimous voice vote.

Council Member Calsolaro offered ORDINANCE NUMBER 31.32.13 (AN ORDINANCE AMENDING ARTICLE XIA (GUN VIOLENCE PREVENTION IMPLEMENTATION TEAM) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY), 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, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Ordinance Number 31.32.13 was co-sponsored by Council Members Freeman, Konev, and Smith.

Council Member Sano offered ORDINANCE NUMBER 21.31.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (COMPUTER SOFTWARE)), which had been previously introduced, and asked for passage and a roll call vote thereon.

**Note: Council Member Calsolaro spoke on this ordinance prior to passage.*

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

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

Affirmative 15 Negative 0 Abstain 0

Ordinance Number 21.31.13 was co-sponsored by Council Member Konev.

Council Member Sano offered ORDINANCE NUMBER 22.31.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$240,000.00 AND AUTHORIZING THE ISSUANCE OF \$240,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (DEFIBRILLATORS)), 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, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Ordinance Number 22.31.13 was co-sponsored by Council Members Freeman and Jenkins-Cox.

Council Member Sano offered ORDINANCE NUMBER 30.31.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$100,000.00 AND AUTHORIZING THE ISSUANCE OF \$100,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (RESURFACING OF RECREATION COURTS)), 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, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Ordinance Number 30.31.13 was co-sponsored by Council Members Freeman and Konev.

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

CONSIDERATION OF RESOLUTIONS

Council Member Calsolaro introduced RESOLUTION NUMBER 18.41.13R, and asked for passage and a roll call vote thereon:

RESOLUTION DESIGNATING THE MAYOR TO ACT AS OFFICIAL REPRESENTATIVE OF THE CITY OF ALBANY TO SUBMIT ANNUALLY TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THE “ANNUAL ACTION PLAN”, AND AMENDMENTS THERETO, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Congress of the United States established the Community Development Block Grant Program; and

WHEREAS, the Albany Community Development Agency has prepared the Annual Action Plan for the Community Development Block Grant Program Year 39 in accord with a public hearing held on March 18, 2013; and

WHEREAS, pursuant to Sec. 570.303 of the Code of Federal Regulations, a grantee of a Community Development Block Grant must certify that its governing body has duly adopted a resolution authorizing a person to act as its official representative to submit the Action Plan, amendments thereto, and all understandings and assurances thereto, and directing authorizing the persons identified as the official representative of the grantee to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby authorized the Mayor to act as the City of Albany's official representative for the purpose of submitting the said Action Plan and all necessary understandings, assurances and amendments thereto.

BE IT FURTHER RESOLVED, that the Common Council hereby adopts the Action Plan for the Community Development Block Grant Program Year 39 as prepared by the Albany Community Development Agency, together with and including all understandings and assurances required thereby.

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

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

Affirmative 15 Negative 0 Abstain 0

Resolution Number 18.41.13R was co-sponsored by Council Members Freeman, Golby, Jenkins-Cox, and Konev.

Council Member Smith introduced RESOLUTION NUMBER 19.41.13R, which was held:

RESOLUTION IN SUPPORT OF THE NEW YORK STATE WOMEN'S EQUALITY AGENDA

WHEREAS, New York State has played an historic role in the struggle for women's equality in the United States; and

WHEREAS, women are 51.5% of the New York State population and 48% of New York State's workforce, but still are paid only 84 cents for every dollar earned by male employees; and

WHEREAS, women continue to face discrimination in many aspects of their daily lives including employment, housing, access to credit and health care; and

WHEREAS, women are disproportionately subjected to gender based violence; and

WHEREAS, Governor Cuomo has proposed Women's Equality Agenda legislation which will enact pay equity for women, add protections for victims of sexual harassment, sex trafficking and

domestic violence, stop discrimination when buying, renting or leasing a home and protect reproductive health care decisions.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Albany affirms its support for the passage of the New York State Women’s Equality Act and urges our State Legislative representatives to support its passage.

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Andrew Cuomo, Senate Leaders Dean Skelos and Jeffrey Klein and Assembly Speaker Sheldon Silver.

Council Member Konev introduced RESOLUTION NUMBER 20.41.13R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CITY OF ALBANY IN ITS AWARD FROM THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION FOR FUNDING UNDER THE GREEN INNOVATION GRANTS PROGRAM

WHEREAS, the City of Albany, through the Department of Development & Planning, applied to the New York State Environmental Facilities Corporation (EFC) and was awarded funding under the Green Innovation Grants Program (GIGP) for a grant in an amount up to \$1,795,000 to aid in the design, engineering and reconstruction of a portion of State Street in the City of Albany; and

WHEREAS, the EFC contract requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the park is located; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Department of General Services is authorized to enter into a contract under the NYS Environmental Facilities Corporation’s GIGP on behalf of the City of Albany.

BE IT FURTHER RESOLVED, that the City of Albany Common Council authorizes and appropriates a minimum of 10% local match as required by the Green Innovation Grant Program for the GIGP project (Greening the Quail Street Corridor). Under the GIGP program, this local match must be at least 10% of the total actual project costs. The source of the local match, and any amount in excess of the match, shall be acquired from the neighborhood revitalization bond approved by Ordinance 13.21.12. The maximum local share shall not exceed \$200,000 based upon a total estimated maximum project cost of \$1,995,000. The City Engineer may increase this local match through the use of in kind services without further approval from the Common Council.

RESOLVED, that the City Engineer is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Albany’s obligations under the GIGP Grant Agreement.

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

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

Affirmative 15 Negative 0 Abstain 0

Resolution Number 20.41.13R was co-sponsored by Council Members Calsolaro, Conti, Freeman, Golby, Herring, Igoe, Jenkins-Cox, O’Brien, Rosenzweig, Sano and Smith.

President Pro Tempore asked and received majority consent to add Resolution Numbers 21.41.13R, 22.41.13R and 23.41.13R to the pending agenda, which was approved by unanimous voice vote.

Council Member Sano offered RESOLUTION NUMBER 21.41.13R(MC), asked for passage and a roll call vote thereon:

RESOLUTION OPPOSING THE END OF SATURDAY USPS MAIL DELIVERY AND URGING CONGRESS TO ENACT LEGISLATION TO MANDATE THAT THIS SERVICE BE CONTINUED

WHEREAS, the City of Albany Common Council recognizes that the United States Postal Service (USPS) is a vital national resource that provides essential services to 151 million households and businesses nationwide and supports more than 7 million private-sector jobs; and

WHEREAS, the USPS is a vital institution in our neighborhoods, as is each of our local post offices. Letter carriers deliver more than just the mail to the communities they serve. Letter carriers know and care about their customers, and they keep an eye out for them. Post offices play a critical role as both a business hub and community meeting place. Both letter carriers and post offices serve our community six days a week; and

WHEREAS, the USPS is the largest civilian employer of American military veterans and 25% of USPS employees have served in the military.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council strongly opposes Postmaster General Patrick Donohoe’s plan to end Saturday mail delivery and urges the US Congress to pass Senate Bill 316 and House Resolution 630, the Postal Service Protection Act of 2013.

BE IT FURTHER RESOLVED, this proposed cut in service would threaten the long-term viability of this American institution. The citizens and small businesses of the City of Albany rely on the vast USPS network to offer affordable, accessible service that reaches every corner of the country. America’s small businesses, seniors and veterans need legislators to strengthen, not dismantle the United States Postal Service.

RESOLVED, that the Clerk of the Council shall forward a certified copy of this resolution to President Barack Obama, U.S. Congressman Paul Tonko and U.S. Senators Charles Schumer and Kirsten Gillibrand.

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

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

Affirmative 15 Negative 0 Abstain 0

Resolution Number 21.41.13R was co-sponsored by Council Members Bailey, Calsolaro, Freeman, and Smith.

Council Member Commisso offered RESOLUTION NUMBER 22.41.13R(MC), which was held:

RESOLUTION URGING THE CITY OF ALBANY SCHOOL BOARD TO INSURE CONVENIENT ACCESS TO AND CONSISTENCY OF POLLING PLACES FOR VOTERS

WHEREAS, the Albany County Board of Elections establishes the polling places for national, state, county and city elections and the City of Albany School District establishes polling place for school district elections, and

WHEREAS, the Albany County Board of Elections established 45 polling places in the City of Albany for the General Election of 2012, and the City of Albany School District has established 15 polling places for the election it will administer in May of 2013, and

WHEREAS, consolidating, frequently changing, or moving polling places that have existed for decades, can effectively disenfranchise the voter, and

WHEREAS, there are many voters within the city that vote at different polling places depending on the type of election causing voter confusion that may decrease participation in elections, and

WHEREAS, in an urban area, the intent of having many polling places is so that most people will live within walking distance of their polling place in more densely populated areas of the city. Voters may not have reliable transportation to more distant polling places and, if they do, may have difficulty parking at polling places, and

WHEREAS, as polling places are consolidated, longer search times for and wait times at the polls are particularly damaging to hourly-wage workers who are unable to get significant amounts of time off from work, and

WHEREAS, voters should be provided consistency from election to election and the City School District should strive for consistency with established County Board polling places and should only change polling places when necessary as required by law.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany requests that the Albany City School District strive to insure that residents of the City are given the opportunity to conveniently vote in all school district elections and to eliminate the practice of consolidating established polling places or further eliminating polling places. Both the Albany County Board of Elections and the City School District should strive to provide consistency for all elections held within the city to make it easier for people to vote in all elections.

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 the Members of the City of Albany School Board and the Commissioners of the Albany County Board of Elections.

Council Member Igoe offered RESOLUTION NUMBER 23.41.13R(MC), requested the full resolution be read aloud, and asked for passage and a roll call vote thereon:

RESOLUTION HONORING THE LATE LEONARD MORGENBESSER FOR HIS CONTRIBUTIONS IN THE FIGHT TO ELIMINATE GUN VIOLENCE IN THE CITY OF ALBANY

WHEREAS, Dr. Leonard Morgenbesser had a long and distinguished professional career in the criminal justice field. However, he will be remembered within government and law enforcement circles for his unwavering mission to find ways to curb the scourge of gun violence in the City of Albany, and around the country. Dr. Morgenbesser believed, and taught others, that gun violence was a public health crisis, not just as a criminal justice problem, opening up solutions that were previously not thought of and discovering allies in institutions not previously involved, and

WHEREAS, he kept meticulous lists of every gun crime perpetrated in the city. A resident of the Buckingham Pond neighborhood, he spent his free time painstakingly cataloging the violence on Albany's streets — plumbing the depths of newspaper reports as well as television newscasts for even passing mentions of a shooting or armed robbery not on his list.

WHEREAS, he was the spark that ignited the drive to create a Gun Violence Task Force in Albany, where he served for many years. Since the Task Force was established and its recommendations put in place by the City, the number of gun-related homicides in Albany has decreased significantly. One of the recommendations of the Task Force, advocated for by Dr. Morgenbesser, was for the City to follow the CeaseFire model out of Chicago. The City did act on this recommendation and the SNUG program was implemented with a State grant that helped establish a Chicago CeaseFire program in Albany, and

WHEREAS, Dr. Morgenbesser worked for the New York State Department of Correctional Services Central Office since 1975, as well as teaching at the College of St. Rose and the Empire State College. Much of his professional focus involved improving the working environment and mental health of corrections officers, creating programs to assist crime victims, and researching the treatment of sex offenders.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council pauses in its deliberations to recognize the contributions of this remarkable advocate, Leonard Morgenbesser, and mourns the passing of this energetic and committed Albany resident who cared deeply for the entire city.

**Note: Council Members Igoe, Smith, Fahey, Calsolaro, and President McLaughlin 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, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Resolution Number 24.41.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith.

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Konev rose to complain that he does not get any respect from the Police Department and does not get information from them.

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, 2012, AND WAIVE THE READING OF THE NAMES:

1. Daniel Beloosesky
2. James Richardson
3. Mia Puertas
4. Richard McDevitt
5. Ronald Bailey

ADJOURNMENT

President Pro Tempore Conti Herring 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 April 1st, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL