

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

**Monday, May 6, 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 Smith led the Pledge of Allegiance.

## **PUBLIC HEARING**

Clerk to the Common Council Nala Woodard read the notice of the public hearing on ORDINANCE NUMBER 27.42.13 (A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REDUCTION OR REMISSION OF INTEREST AND PENALTIES REGARDING THOSE PROPERTY OWNERS AUTHORIZED TO MAKE INSTALLMENT PAYMENTS OF TAXES UNDER THE NEW YORK STATE REAL PROPERTY TAX LAW AND THE CODE OF THE CITY OF ALBANY AND REQUESTING THAT THE ALBANY COUNTY LEGISLATURE PASS LEGISLATION AUTHORIZING SUCH REDUCTIONS AND REMISSIONS). The following individuals spoke:

1. Vincent Riguso, 13 Beach Avenue, Albany, NY 12203.

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

## **PUBLIC COMMENT PERIOD**

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (Politics in the City);
2. Vincent Riguso, 13 Beach Avenue, Albany, NY 12203 (Lexington Avenue Demolition/Resolution 30.51.13R in relation to Convention Center PILOT).

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

## **CONSIDERATION OF LOCAL LAWS**

**Council Member Golby introduced LOCAL LAW B-2013, which was referred to the Planning, Economic Development and Land Use Committee:**

**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**

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

**Section 1. Part 8 of Chapter 42 of the Code of the City of Albany is hereby amended by repealing it in its entirety.**

**Section 2. A new Part 8 of Chapter 42 of the Code of the City of Albany is hereby added to read as follows:**

**Part 8  
Sustainability Advisory Committee**

**Article XVIII  
General Provisions**

**§42-132. Legislative Intent.**

The City of Albany by Resolution 51.52.09R and Executive Order No. 422-09 has pledged to combat climate change and take action to adopt more sustainable practices by becoming a “Climate Smart Community.” The City of Albany Common Council believes that the social, economic, and environmental aspects of sustainability are key to the successful implementation of the Albany 2030 Plan. Additionally, the City of Albany Common Council believes that there is overwhelming scientific consensus that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels. The effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms and food systems, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens. Reducing greenhouse gas emissions and increasing our community’s resiliency will require sustained and substantial efforts by all levels of government, interest groups, and citizens. Establishment of a Sustainability Advisory Committee is a necessary step in fostering unified action on climate change.

**§42-133. Establishment; Appointment of Members.**

- A. There is hereby established a Sustainability Advisory Committee comprised of fifteen voting members, five of whom shall be appointed by the Mayor and five of whom shall be appointed by the Common Council. The remaining members of the Committee shall be composed of the following: the Commissioner of the Department of General Service, the Commissioner of Development and Planning, the Commissioner of the Water Department, the City Engineer, and the head of the Police Traffic Safety Unit, or their designees.
- B. The members appointed by the Mayor and Common Council shall be appointed for three-year terms; provided, however, that, members initially appointed by the Mayor and Common Council, one shall be for a term of one year, two shall be for a term of two years, and two shall be for a term of three years.
- C. Members shall continue to serve on the Committee until their successors have been appointed.
- D. Annually, from among its membership, the Committee shall elect a Chair and such other officers as determined.
- E. Any vacancy occasioned by resignation, death or removal of a member shall be filled promptly in the same manner as the predecessor to fill the unexpired term.
- F. The Committee shall have the authority to create sub-committees to focus on specific topics including, but not limited to: Energy, Equity, Transportation, Water, and Food Systems.

Membership on the sub-committees shall be open to the general public at the discretion of the Committee.

**§42-134. Qualifications of Members.**

The members of the Committee appointed by the Mayor and Common Council shall reside in the City of Albany and possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and the environment. The Mayor and the Common Council shall reflect community diversity in their appointments, including, but not limited to, income level, race, religion, ethnicity, age, gender and sexual orientation.

**§42-135. Meeting and Staff.**

The Committee shall meet no less than six times per year and shall establish a regular meeting calendar which is readily accessible to the public. Meetings of the Committee shall be public and comply with provisions of the Open Meetings Law. The Mayor's Office of Sustainability shall serve as staff to the Committee.

**§42-136. Powers and Duties.**

- A. The Committee shall have the following functions, powers and duties to:
- (1) Study and recommend methods to reduce greenhouse gas emissions, increase energy efficiency, and renewable energy production, conserve water, reduce waste, and employ environmentally-responsible products;
  - (2) Promote the use of methods, systems, and materials that do not deplete natural land, water, and energy resources or harm natural cycles;
  - (3) Encourage the growth of green businesses and green jobs within the city, as well as the adoption of sustainable practices by existing businesses;
  - (4) Work cooperatively with similar task forces in neighboring communities to ensure that efforts complement and reinforce one another;
  - (5) Empower every resident of the city, regardless of social demographics or economic means, by informing city residents of practical and attainable ways to live sustainably;
  - (6) Consider ways for large academic, governmental, or institutional communities to become more environmentally sensitive;
  - (7) Encourage and stimulate City of Albany agencies and departments to take such action as will fulfill the purposes of this part;
  - (8) Make recommendations as necessary and appropriate to the Mayor and the Common Council to effectuate the goals and purposes of this part.
  - (9) Assist with the implementation and monitoring of the Climate Action and Adaptation Plans, as well as the Capital Region Sustainability Plan.

**§42-137. Reports.**

The Committee shall file an annual report in June of each year with the Common Council and the Mayor summarizing the work and activities of the Committee.

**Section 3. This local law shall take effect upon final passage, public hearing, and filing with the Secretary of State.**

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

**REPORTS OF STANDING COMMITTEES**

NONE.

**CONSIDERATION OF ORDINANCES**

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

**CONSIDERATION OF RESOLUTIONS**

**Council Member Calsolaro introduced RESOLUTION NUMBER 30.51.13R, which was held:**

**RESOLUTION OF THE COMMON COUNCIL REQUESTING THAT THE ALBANY CONVENTION CENTER AUTHORITY MAKE PAYMENTS IN LIEU OF TAX (PILOT) TO THE CITY OF ALBANY, COUNTY OF ALBANY, AND CITY SCHOOL DISTRICT OF ALBANY, AS ALLOWED UNDER SECTION 2675-n OF THE PUBLIC AUTHORITIES LAW**

WHEREAS, Chapter 468 of 2004 of the Laws of New York State created the Albany Convention Center Authority (herein referred to as the “Authority”); and

WHEREAS, the Authority has purchased over ten million dollars of properties on the proposed site of the convention center; and

WHEREAS, the Authority has essentially become a real property management company, managing parking lots and the E-Comm Complex on Broadway; and

WHEREAS, the Authority, under the provisions of Section 2675-n of the New York State Public Authorities Law, pays zero school and property taxes on the property it has purchased over the past eight years; and

WHEREAS, the yearly loss in school taxes from the tax exemption allowed under Section 2675-n amounts to \$308,467 and the yearly loss of property taxes amounts to \$184,319, thus increasing the tax burden on school, city and county taxpayers to make up for the lost tax revenues; and

WHEREAS, the real property parcels purchased by the Authority have added to the already large amount of non-taxable land in the City of Albany owned by governmental and not-for-profit entities.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby requests that the New York State Convention Center Authority enter into payments in lieu of tax (PILOT) agreements with the City of Albany, County of Albany, and City School District of Albany, as allowed under Section 2675-n of the New York State Public Authorities Law, to compensate these municipal entities for lost tax revenues.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Governor Andrew Cuomo, Senator Neil Breslin, Assembly Member John McDonald, Assembly Member Patricia Fahy, and the Albany Convention Center Authority.

**Council Member Calsolaro introduced RESOLUTION NUMBER 31.51.13, which was referred to the Planning, Economic Development and Land Use Committee:**

**RESOLUTION OF THE COMMON COUNCIL REQUESTING THAT TITLE 28-BB OF THE NEW YORK STATE PUBLIC AUTHORITIES LAW, CREATING THE NEW YORK STATE CONVENTION CENTER AUTHORITY, BE AMENDED TO RECONSTITUTE THE CONVENTION CENTER AUTHORITY AS THE REBUILD ALBANY CONSTRUCTION AUTHORITY**

WHEREAS, Chapter 468 of 2004 of the Laws of New York State created the Albany convention center authority (herein referred to as the “Authority”); and

WHEREAS, the Authority has been meeting monthly for over eight years, since its inception in 2004; and

WHEREAS, the Authority has purchased over ten million dollars of properties on the proposed site of the convention center; and

WHEREAS, after eight years of existence, the Authority has yet to begin construction of the New York State Convention Center; and

WHEREAS, there are now discussions going on by chief elected officials to change the scope of the plans for the convention center, including not developing the project on the site chosen for the convention center; and

WHEREAS, the Authority has essentially become a real property management company, managing parking lots and the E-Comm Complex on Broadway while government leaders continue to decide the fate of the proposed convention center; and

WHEREAS, the Authority, under the provisions of Section 2675-n of the New York State Public Authorities Law, pays zero school and property taxes on the property it has purchased over the past eight years so as to obtain the necessary land required to construct the convention center on its chosen site; and

WHEREAS, the yearly loss in school taxes from the tax exemption allowed under Section 2675-n amounts to \$308,467 and the yearly loss of property taxes amounts to \$184,319, thus increasing the tax burden on school, city and county taxpayers to make up for the lost tax revenues; and

WHEREAS, in addition to the nearly half-million dollars of lost tax revenue due to properties being taken off the tax rolls by the Authority, the Authority has created only two paid positions since its inception over eight years ago, thus failing to meet its stated goal of creating jobs and other economic development in the environs of the convention center site; and

WHEREAS, the Authority has added to the blight in downtown Albany by requiring all of the tenants in the E-Comm Complex of buildings on Broadway to vacate the buildings, and then boarding-up the buildings on one of Albany's major thoroughfares; and

WHEREAS, the Authority still has access to almost \$63 million from the original Empire State Development Corporation funds of \$75 million for the convention center project; and

WHEREAS, the City of Albany, which has over 800 vacant and abandoned buildings, and the County of Albany, which has at least 200 more vacant and abandoned parcels, have started a dialogue on how to best remedy the economic, social, and safety issues that are a result of these vacant and abandoned properties. The biggest stumbling block to putting in place a joint city/county action plan to secure, rehabilitate, and sell these neglected properties to owner-occupants is a sustained funding source.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby requests that the New York State Legislature amend Title 28-BB of the New York State Public Authorities Law to reconstitute the New York State Convention Center Authority as the ReBuild Albany Construction Authority.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Governor Andrew Cuomo, Senator Neil Breslin, Assembly Member John McDonald, Assembly Member Patricia Fahy, and the Albany Convention Center Authority.

**Council Member Sano introduced RESOLUTION NUMBER 32.51.13, asked for passage and a roll call vote thereon:**

**A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF A SENIOR PLUMBING INSPECTOR, ELECTRICAL INSPECTOR AND DEPARTMENT LIAISON AND THE CREATION OF A SENIOR ELECTRICAL INSPECTOR, BUILDINGS INSPECTOR AND ADMINISTRATIVE SUPPORT II POSITIONS IN THE DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE**

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any 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 Department of Buildings and Regulatory Compliance requires the skills and abilities of a Senior Electrical Inspector, Buildings Inspector and Administrative Support II rather than those of a Senior Plumbing Inspector, Electrical Inspector and Department Liaison.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to changes in salaries which will eliminate the current positions of Senior Plumbing Inspector, Electrical Inspector and Department Liaison and create the positions of Senior Electrical Inspector, Buildings Inspector and Administrative Support II within the Department of Buildings and Regulatory Compliance.

**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**

**Council Member Sano introduced RESOLUTION NUMBER 33.51.13R, asked for passage and a roll call vote thereon:**

**A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF A COMMUNITY AIDE AND THE CREATION OF A CONFIDENTIAL SECRETARY POSITION IN THE DEPARTMENT OF ASSESSMENT AND TAXATION**

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any 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 Department of Assessment and Taxation require the skills and abilities of a Confidential Secretary rather than those of a Community Aide.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to a change in salary which will eliminate one of the current positions of Community Aide and create a position of Confidential Secretary within the Department of Assessment and Taxation.

**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**

**President Pro Tempore Conti asked and received majority consent to add RESOLUTION NUMBER 34.51.13R to the pending agenda, which was approved by unanimous voice vote.**

**Council Member Calsolaro offered RESOLUTION NUMBER 34.51.13R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL APPOINTING THOMAS ROSENBERGER A MARRIAGE OFFICER PURSUANT TO ARTICLE 3 OF THE DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK**

WHEREAS, Article 3 of the Domestic Relations Law authorizes the governing body of a City to appoint Marriage Officers whom shall have the authority to solemnize a marriage in accordance with other applicable provisions of law and within the municipal boundaries of the City.

NOW, THEREFORE, BE IT RESOLVED, that Thomas Rosenberger is hereby appointed a Marriage Officer in the City of Albany for a term of one (1) week; to wit: May 21, 2013 through and including May 27, 2013.

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

**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**

**Council Member Sano offered RESOLUTION NUMBER 27.42.13R (A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REDUCTION OR REMISSION OF INTEREST AND PENALTIES REGARDING THOSE PROPERTY OWNERS AUTHORIZED TO MAKE INSTALLMENT PAYMENTS OF TAXES UNDER THE NEW YORK STATE REAL PROPERTY TAX LAW AND THE CODE OF THE CITY OF ALBANY AND REQUESTING THAT THE ALBANY COUNTY LEGISLATURE PASS LEGISLATION AUTHORIZING SUCH REDUCTIONS AND REMISSIONS), which had been previously introduced, and asked for passage and a roll call vote thereon.**

**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 27.42.13R(MC) was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, and Smith.*

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

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

**Majority Leader Dan 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. Meghan Keegan, 23 Fleetwood Ave Albany, NY 12208
2. William Graham Ritchie, 196 Mt. Hope Drive Albany, NY 12202
3. Vera P. Michelson, 13 Pennsylvania Ave Albany, NY 12206
4. Daniel C. Curtis, 338D Hackett Blvd. Albany, NY 12208
5. Jordan Bellassai, 474 Madison Ave Albany, NY 12208
6. Pat Burke, 16 Eagle Street, Albany, NY 12207
7. Stephanie Conboy, 16 Eagle Street – Room 128, Albany, NY 12207
8. Danielle Williams, 16 Eagle Street – Room 128, Albany, NY 12207

### **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 May 6<sup>th</sup>, 2013.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL