

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

**Monday March 3, 2014**

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

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

Council Member Fahey led the Pledge of Allegiance.

## **PUBLIC COMMENT PERIOD**

1. Beverly Padgett, Third Street, Albany, New York (Snow removal);
2. Anton Konev, 268 Washington Avenue, Albany, NY (Issues relating to garbage cans).

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

## **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

President Pro Tempore Conti made a motion to approve the minutes of the January 23, 2014 and February 3, 2014 meetings, 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**

**Housing and Community Development** – Chairperson Bailey reminded Council Members that the Community Development Block Grant hearing is March 5, 2014 at 4:00 p.m. at 200 Henry Johnson Boulevard.

**General Services, Health and Environment** – Chairperson O'Brien stated that the committee would be meeting on March 5, 2014 at 5:30 p.m. to consider Resolution 21.23.14R in relation to the Solid Waste Management Plan.

**Planning, Economic Development and Land Use** – Chairperson Herring stated that the committee would be meeting on March 12, 2014 immediately following caucus to discuss Resolution 18.23.14R in relation to the continuation of the Capital Resource Corporation.

## **CONSIDERATION OF ORDINANCES**

**Council Member Commisso introduced ORDINANCE NUMBER 3.31.14, which was referred to the Finance, Taxation and Assessment Committee:**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,000,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,000,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET RECONSTRUCTION)**

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Highway, roads, streets, parkways and parking areas.

Local Finance Law Section 11.00(a) Subparagraph 20(c)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$1,000,000.00

Maximum Amount of Bonds: \$1,000,000.00

Treasurer's Bond Authorization Numbers: A-14

Treasurer's Project Numbers: GH 50108401

Section 2. The plan of financing such objects or purposes is the issuance of \$1,000,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

Section 7. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Treasurer is further authorized to enter into a continuing disclosure agreement with

the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted or Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

**Section 12. This ordinance shall be dated February 21, 2013 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.**

*\*Note: Please refer to Ordinance Number 3.31.14 for the language of Sections 3-12 for Resolution Numbers 4.31.14 and 5.31.14.*

**Council Member Commisso introduced ORDINANCE NUMBER 4.31.14, which was referred to the Finance, Taxation and Assessment Committee:**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$480,000.00 AND AUTHORIZING THE ISSUANCE OF \$480,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK RECONSTRUCTION)**

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Curbs, sidewalks and gutters.  
Local Finance Law Section 11.00(a) Subparagraph 24  
Period of Probable Usefulness: 10 years  
Maximum Term of Obligations: 10 years  
Maximum Estimated Cost: \$480,000.00  
Maximum Amount of Bonds: \$480,000.00  
Treasurer's Bond Authorization Numbers: B-14  
Treasurer's Project Numbers: GH 50108402

**Section 2. The plan of financing such objects or purposes is the issuance of \$480,000.00 serial bonds hereby authorized to be issued.**

**Council Member Comisso introduced ORDINANCE NUMBER 5.31.14, which was referred to the Finance, Taxation and Assessment Committee:**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$205,000.00 AND AUTHORIZING THE ISSUANCE OF \$205,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ADA COMPLIANCE)**

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Curbs, sidewalks and gutters.  
Local Finance Law Section 11.00(a) Subparagraph 24  
Period of Probable Usefulness: 10 years  
Maximum Term of Obligations: 10 years  
Maximum Estimated Cost: \$205,000.00  
Maximum Amount of Bonds: \$205,000.00  
Treasurer's Bond Authorization Numbers: C-14  
Treasurer's Project Numbers: GH 50108403

**Section 2. The plan of financing such objects or purposes is the issuance of \$205,000.00 serial bonds hereby authorized to be issued.**

**Council Member Krasher introduced ORDINANCE NUMBER 6.31.14, which was referred to the Law, Buildings and Code Enforcement Committee:**

**AN ORDINANCE AMENDING CHAPTER 373 (YOUTH PROTECTION AGAINST TOBACCO PROMOTION) OF THE CODE OF THE CITY OF ALBANY TO ADD A NEW ARTICLE II ENTITLED "RESTORATIVE THERAPY"**

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

Section 1. The title of Chapter 373 of the Code of the City of Albany is hereby amended to read as follows:

**YOUTH PROTECTION AGAINST TOBACCO PROMOTION**

Section 2. Sections 373-1 through 373-9 shall hereby be contained in Article I entitled "Tobacco Promotion."

Section 3. Chapter 373 of the Code of the City of Albany is hereby amended by adding a new Article II entitled "Restorative Therapy" to read as follows:

**§ 373-10. Legislative Intent.** The City of Albany Common Council hereby finds and declares that being lesbian, gay, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming. The major professional associations of mental health practitioners and researchers in the United States have recognized this fact for nearly 40 years. The American Psychological Association convened a Task Force on Appropriate Therapeutic Responses to Sexual Orientation. The task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources. The American Psychological Association issued a resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts in 2009, which states: The American Psychological Association advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social supports, and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth.

In addition, the American School Counselor Association, the American Academy of Pediatrics, the American Medical Association Council on Scientific Affairs, the National Association of Social Workers, the American Counseling Association Governing Council, the American Psychoanalytic Association, the American Academy of Child and Adolescent Psychiatry, the Pan American Health Organization have all opposed the use of restorative therapy to change an individual's sexual orientation due to the negative effects and lack of evidence that sexual orientation can be altered this way. The City of Albany has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by sexual orientation change efforts.

**§ 373-11. Prohibition on Restorative Therapy of Minors**

A. "Sexual orientation change efforts" means any practice by an individual that seeks to change a minor's sexual orientation, including, but not limited to, efforts to change behaviors, gender identity, or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex and shall not include counseling for a person seeking to transition from one gender to another, or psychotherapies that: (a) provide acceptance, support and understanding of patients or the facilitation of patients' coping, social support and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and (b) do not seek to change sexual orientation.

B. It shall be unlawful for any individual, other than a parent or legal guardian, to engage in sexual orientation change efforts upon any minor.

**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 Commisso introduced RESOLUTION NUMBER 25.31.14R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF THE DIRECTOR OF INFORMATION AND TECHNOLOGY POSITION AND AN ACCOUNT CLERK POSITION AND THE CREATION OF A LIEUTENANT 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 an additional Lieutenant rather than those of the Director of Information and Technology and one Account Clerk position.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the elimination of the position of Director of Information and Technology and one position of Account Clerk and the creation of a position of Lieutenant within the Albany Police Department.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**  
Affirmative – Applyrs, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien, and Robinson

**Affirmative 15 Negative 0 Abstain 0**

**Council Member Conti moved to amend RESOLUTION NUMBER 20.23.14R, and as amended asked for passage, which was approved by unanimous voice vote:**

**RESOLUTION CONGRATULATING THE ALBANY SYMPHONY ORCHESTRA AND MUSIC DIRECTOR DAVID ALAN MILLER ON WINNING A GRAMMY AWARD AT THE 56<sup>th</sup> ANNUAL GRAMMY AWARDS**

WHEREAS, it is the sense of this Council to recognize and commend those individuals of commitment and high achievement whose purpose and endeavor have been dedicated to the pursuit of excellence; and

WHEREAS, the Albany Symphony Orchestra and conductor and music director, David Alan Miller, took home their first Grammy award for Best Classical Instrumental Solo for John Corigliano’s *Conjuer*, a percussion concerto that featured Dame Evelyn Glennie as the soloist; and

WHEREAS, Miller attended the Grammy’s in Los Angeles to accept the award in person. During his speech he thanked John Corigliano for writing such great music, Evelyn Glennie for playing so beautifully and the Albany Symphony Orchestra musicians who believe that “the best music of our time deserves its place in the center of our repertoire;” and

WHEREAS, the Albany Symphony Orchestra is one of Albany’s most revered music and cultural institutions and is known for its brilliant live performances, adventurous programming and recording projects, innovative educational initiatives and engaging cultural events; and

WHEREAS, David Alan Miller is regarded as one of the leading champions and interpreters of new American music of his generation and has led the orchestra as Music Director since 1992.

NOW, THEREFORE, BE IT RESOLVED, that this Council congratulates David Alan Miller and the Albany Symphony Orchestra on their accomplishments and thanks them for their contributions and the great benefit they bring to the City of Albany.

BE IT FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed be transmitted to David Alan Miller and the Albany Symphony Orchestra.

**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**

*Resolution Number 20.23.14R was co-sponsored by Council Members Applyrs, Bailey, Commisso, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.*

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

**MISCELLANEOUS AND UNFINISHED BUSINESS**

NONE

**ADJOURNMENT**

President Pro-Tempore Conti made a motion to adjourn. Council President McLaughlin, hearing no objections, stated that the Council was adjourned.

A true record of the Common Council Minutes of March 3<sup>rd</sup>, 2014.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL