

ALBANY COMMON COUNCIL MINUTES OF A SPECIAL MEETING

Monday April 21, 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 Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

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

Council Member Doesschate led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Dennis Gaffney, Lawnridge Avenue, Albany, NY (Madison Avenue traffic calming);
2. Becky Puritz, Albany, NY (Madison Avenue traffic calming);
3. Virginia Hammer, 52 South Allen Street, Albany, NY (Madison Avenue traffic calming);
4. Lorenz Worden, 127 South Pine Avenue, Albany, NY (Madison Avenue traffic calming);
5. Cornelius Murray, 12 Birch Hill Road, Albany, NY (Oppose E23 casino);
6. Helen Klaesen, 817 Livingston Avenue, Albany, NY (E23 Casino);
7. John O'Grady, 817 Livingston Avenue, Albany, NY (E23 Casino).

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

8. Fred Perkins, 11 Woodlawn Avenue, Albany, NY (E23 Casino);
9. Marlon Anderson, 491 Livingston Avenue, Albany, NY (E23 Casino);
10. Tom Ellis, 43 North Pine Avenue, Albany, NY (Oppose E23 Casino);
11. Mark Mishler, 58 South Manning Boulevard, Albany, NY (Oppose E23 Casino);
12. Isaiah Madden, 8 Alfred Street, Albany, NY (Oppose E23 Casino).

There being additional speakers signed up, the President announced that there will be additional time for public comment prior to the Miscellaneous portion of the meeting

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

President Pro Tempore Conti made a motion to approve the minutes of the February 6, 2014, February 20, 2014 and March 3, 2014 meetings, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Finance, Taxation and Assessment – Chairperson Commisso stated that the committee met on April 15, 2014 to review ten (10) bond ordinances, which will be voted on at tonight's meeting. All ordinances were referred out of committee favorably.

CONSIDERATION OF ORDINANCES

Council Member Comisso introduced ORDINANCE NUMBER 31.42.14, 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 \$522,700.00 AND AUTHORIZING THE ISSUANCE OF \$522,700.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CODE UPDATE)

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: Codification of laws, ordinances, codes, resolutions, rules or regulations.
Local Finance Law Section 11.00(a) Subparagraph 72
Period of Probable Usefulness: 3 years
Maximum Term of Obligations: 3 years
Maximum Estimated Cost: \$522,700.00
Maximum Amount of Bonds: \$522,700.00
Treasurer's Bond Authorization Numbers: AB-14
Treasurer's Project Numbers: GH 64208428

Section 2. The plan of financing such objects or purposes is the issuance of \$522,700.00 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 April 21, 2014 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 31.42.14 for Sections 3-12 for Ordinance Numbers 32.42.14 and 33.42.14.*

Council Member Comisso introduced ORDINANCE NUMBER 32.42.14, 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 \$100,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$100,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (BATTALION VEHICLES)

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: Motor vehicles
Local Finance Law Section 11.00(a) Subparagraph 29
Period of Probable Usefulness: 5 years
Maximum Term of Obligations: 5 years
Maximum Estimated Cost: \$100,000.00
Maximum Amount of Bonds: \$100,000.00
Treasurer's Bond Authorization Numbers: AC-14
Treasurer's Project Numbers: GH 34108429

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$100,000.00 serial bonds hereby authorized to be issued.

Council Member Commisso introduced ORDINANCE NUMBER 33.42.14, 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 \$100,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$100,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LADDER TRUCK)

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: Fire-fighting and apparatus
Local Finance Law Section 11.00(a) Subparagraph 27
Period of Probable Usefulness: 15 years
Maximum Term of Obligations: 15 years
Maximum Estimated Cost: \$100,000.00
Maximum Amount of Bonds: \$100,000.00
Treasurer's Bond Authorization Numbers: AD-14
Treasurer's Project Numbers: GH 34108430

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$100,000.00 serial bonds hereby authorized to be issued.

Council Member Golby introduced ORDINANCE NUMBER 34.42.14, which was referred to the Public Safety Committee:

AN ORDINANCE AMENDING PART 33 (CITIZENS' POLICE REVIEW BOARD) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MEDIATION

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

Section 1. Section 42-333 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-333. Definitions.

MEDIATION

A structured dispute resolution process in which a neutral third party assists the disputants ~~[to reach a negotiated settlement of their differences]~~ by facilitating a nonbinding intervention.

Section 2. Subsection F of Section 42-343 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-343. Review of complaints.

F. After review and deliberation of the preliminary report of the Department's findings, the CPRB shall:

- (1) Render its finding pursuant to § 42-344 of this Part 33; or
- (2) Request that Professional Standards conduct further investigation of the complaint; or
- (3) Obtain further case-specific information from the Chief, including written materials, audio- or videotapes and related documents~~;~~
- ~~(4) Refer the complaint to mediation as provided in § 42-346 of this Part 33].~~

Section 3. Subsection A of Section 42-344 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-344. Findings of the CPRB.

A. The CPRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the case:

- (1) Sustained - where the review discloses sufficient facts to prove the allegations made in the complaint.
- (2) Not Sustained - where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
- (3) Exonerated - where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.
- (4) Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
- (5) Ineffective Policy or Training - where the matter does not involve guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.
- (6) No Finding - where, for example, the complainant failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew the complaint; or where the complainant is unavailable to clarify the complaint; or where the officer is no longer employed by the City.
- ~~(7) [Mediated - where the complaint is resolved by mediation.]~~

Section 4. Section 42-346 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-346. Mediation process.

- A. A mediation process shall be established and coordinated by the Government Law Center in accordance with this section.
- B. Mediation shall be conducted at no cost to the complainant or officer by highly trained and experienced mediators selected from a list compiled by the Government Law Center and approved by the Common Council and the Mayor. The Government Law Center, the Common Council and the Mayor shall endeavor to reflect community diversity in this list of mediators. The Government Law Center shall develop an appropriate training curriculum which each mediator shall be required to complete. Each mediator shall be a graduate of the Albany Police Department's Citizens' Police Academy. In addition, the Government Law Center shall provide to the mediators, and the mediators shall undergo, continuing education on issues related to the interaction between civilians and police officers from the perspectives of both the citizen and the police officer.
- C. ~~[After a complaint is filed under § 42-342 of this Part 33, the complainant and the officer may at any time in the review process utilize the mediation process herein to resolve the complaint by submitting a written request for mediation to the CPRB. In addition, the mediation process may be utilized after the complaint is referred to mediation by the CPRB pursuant to § 42-343F(4) of this Part 33. In either case, mediation shall proceed as promptly as possible after a request for mediation or a referral to mediation is made. However, mediation may proceed only upon agreement of the officer with the approval of the Department and the agreement of the complainant.]~~ Upon receipt of a citizen complaint, unless the case involves an allegation of excessive force, an alleged violation of civil rights or an allegation of criminal conduct against an officer, or the complaint is a result of an incident that involves an arrest, or if there was an injury to either party, or if there was property damage by an officer, the complaint will be considered appropriate for mediation.
- D. An eligible complaint shall be reviewed for potential recommendation for mediation by the Board and by the Chief or his designee. Five members of the Board will be contacted by the Government Law Center and a decision made as to appropriateness for mediation by a majority of those five members. A decision regarding mediation shall be made within two business days by both the Board and Chief. If either the Board or Chief finds a complaint inappropriate for mediation then the matter shall be referred to OPS for investigation consistent with this Article.
- E. If the Board and Chief recommend a complaint for mediation, both the complainant and officer will have the option of electing to continue with the mediation process. If either party declines mediation then the matter shall be referred to OPS for investigation consistent with this Article.
- F. If the parties agree to mediate then the complaint will not be investigated the Police Department regardless of the outcome of the mediation.
- G. If the parties agree to mediate, the process shall follow the Mediation Protocols adopted by the Board.
- H. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.
- I. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.
- J. In conducting the mediation, the mediators may not impose an outcome on the parties.

- K. Mediation sessions shall be closed to the public. Matters discussed shall be confidential [~~unless both parties agree otherwise as part of a written mediation settlement~~].
- L. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by a subpoena to give testimony or produce anything related to the mediation.
- M. [~~The CPRB and Chief will be informed whether the mediation sessions result in a resolution of the dispute. If the mediation sessions do not result in a resolution of the dispute, the CPRB review process referenced in this Part 33 shall continue to conclusion. If the mediation sessions do result in a resolution of the dispute, the~~] Upon the completion of the mediation process the CPRB shall issue a finding of "Mediated" and the allegations shall be deleted from the officer's CPRB history.

Section 5. This ordinance shall take effect immediately.

Council Member Commisso asked for passage of ORDINANCE NUMBER 8.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$407,000.00 AND AUTHORIZING THE ISSUANCE OF \$407,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK RECONSTRUCTION), which had been previously introduced.

**Note: Council Members Krasher and Commisso spoke on this ordinance prior to passage.*

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

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 8.41.14 was co-sponsored by Council Members Bailey and Doeschate.

Council Member Commisso asked for passage of ORDINANCE NUMBER 10.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY BUILDING IMPROVEMENTS), which had been previously introduced.

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

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

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 10.41.14 was co-sponsored by Council Member Igoe.

Council Member Commisso asked for passage of ORDINANCE NUMBER 13.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$210,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$210,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (TRAFFIC ENGINEERING MAINTENANCE VEHICLE), which had been previously introduced.

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

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Council Member Commisso asked for passage of ORDINANCE NUMBER 14.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,220,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,220,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (TRAFFIC SIGNALS-CITY WIDE), which had been previously introduced.

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

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 14.41.14 was co-sponsored by Council Member Igoe.

Council Member Commisso asked for passage of ORDINANCE NUMBER 15.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$550,000.00 AND AUTHORIZING THE ISSUANCE OF \$550,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (MADISON AVENUE), which had been previously introduced.

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

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 15.41.14 was co-sponsored by Council Members Bailey, Doeschate, Golby, Igoe and O’Brien.

Council Member Commisso asked for passage of ORDINANCE NUMBER 17.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,629,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,629,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (TRAFFIC SIGNALS – WASHINGTON AND WESTERN), which had been previously introduced.

The ordinance 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, O’Brien and Robinson

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 17.41.14 was co-sponsored by Council Members Igoe and O’Brien.

Council Member Commisso asked for passage of ORDINANCE NUMBER 18.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (TRAFFIC SIGNALS – NEW SCOTLAND), which had been previously introduced.

The ordinance 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, O’Brien and Robinson

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 18.41.14 was co-sponsored by Council Members Doesschate, Fahey, Flynn and Igoe.

Council Member Commisso asked for passage of ORDINANCE NUMBER 21.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$135,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$135,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (POLICE SPECIAL USE VEHICLES), which had been previously introduced.

The ordinance 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, O’Brien and Robinson

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 21.41.14 was co-sponsored by Council Members Flynn and Kimbrough

Council Member Commisso asked for passage of ORDINANCE NUMBER 22.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$525,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$525,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (POLICE VEHICLES), which had been previously introduced.

The ordinance 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, O’Brien and Robinson

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 22.41.14 was co-sponsored by Council Members Flynn, Igoe and Kimbrough.

Council Member Commisso asked for passage of ORDINANCE NUMBER 30.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$665,000.00 AND AUTHORIZING THE ISSUANCE OF \$665,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CORNING PRESERVE), which had been previously introduced.

The ordinance 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, O’Brien and Robinson

Present – Krasher

Affirmative 14 Negative 0 Abstain 0 Present 1

Ordinance Number 30.41.14 (MC) was co-sponsored by Council Members Bailey, Kimbrough, Kornegay, O’Brien and Robinson.

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 34.42.14R, which was referred to the Finance, Taxation and Assessment Committee:

RESOLUTION OF THE COMMON COUNCIL ESTABLISHING THE CITY OF ALBANY SOLID WASTE MANAGEMENT FACILITY CLOSURE AND POSTCLOSURE RESERVE FUND

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 6-o of the General Municipal Law there is hereby established a capital reserve fund to be known as the “City of Albany Solid Waste Management Facility Closure and Postclosure Reserve Fund” (hereinafter “Reserve Fund”). The purpose of the Reserve Fund is to accumulate moneys to finance the cost of equipment expected to be installed and the facilities expected to be constructed near or after the date that the Albany Solid Waste Management Facility (hereinafter “Rapp Road Landfill”) stops accepting solid waste, the cost of final cover (capping) expected to be applied near or after the date that the Rapp Road Landfill stops accepting solid waste, and the cost of monitoring and maintaining the Rapp Road Landfill area during the postclosure period. The estimated date that the Rapp Road Landfill will stop accepting solid waste is April 1, 2021 and the total estimated cost associated with the purposes of this Reserve Fund is \$11,791,594.62.

BE IT FURTHER RESOLVED, that the City Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The reserve fund shall be funded by a portion of landfill tipping fee and the proceeds of the sale of methane gas. The City Treasurer shall invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the City of Albany. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The City Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments,

and shall, at the end of the fiscal year, render to the Council a report of the operation and condition of the Reserve Fund.

RESOLVED, except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing body and such additional actions or proceedings as may be required by Section 6-o of the General Municipal Law and any other law.

Council Member Commisso introduced RESOLUTION NUMBER 35.42.14R, which was referred to the Finance, Taxation and Assessment Committee:

RESOLUTION OF THE COMMON COUNCIL ESTABLISHING THE CITY OF ALBANY PINEBUSH RESTORATION RESERVE FUND

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 6-o of the General Municipal Law there is hereby established a capital reserve fund to be known as the “City of Albany Pinebush Restoration Reserve Fund” (hereinafter “Reserve Fund”). The purpose of the Reserve Fund is to accumulate moneys to finance the costs of Pinebush Restoration as prescribed in the City of Albany’s Landfill Operating Permit Issued by the New York State Department of Environmental Conservation. The estimated cost of the Restoration Project through 2018 is \$9,835,000.

BE IT FURTHER RESOLVED, that the City Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The reserve fund shall be funded by a portion of landfill tipping fee and the proceeds of the sale of methane gas. The City Treasurer shall invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the City of Albany. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The City Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of the fiscal year, render to the Council a report of the operation and condition of the Reserve Fund.

RESOLVED, except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing body and such additional actions or proceedings as may be required by Section 6-o of the General Municipal Law and any other law.

Council Member Golby introduced RESOLUTION NUMBER 36.42.14R, and asked for a roll call vote thereon.

RESOLUTION OF THE COMMON COUNCIL PROCLAIMING MAY 2014 AS BIKE MONTH IN THE CITY OF ALBANY

WHEREAS, in 2009, the City of Albany, in partnership with the Capital District Transportation Committee (CDTC) completed a Bicycle Master Plan identifying a network of bicycle routes to improve cycling as a viable mode of transportation throughout the City; and

WHEREAS, in April 2012, the Albany Common Council adopted the “Albany 2030” Comprehensive Plan which supports promoting and implementing the Bicycle Master Plan; and

WHEREAS, the growing network supports a safe and healthy transportation alternative that is paramount to achieving sustainability and enhancing the quality of life in the City; and

WHEREAS, in 2013 the Albany Common Council adopted a Complete Streets Ordinance and the Albany Police Department convened a Traffic Safety Stakeholders' Committee that is continuing to work and focus on Engineering, Education and Enforcement efforts to promote safer streets for all users of the road; and

WHEREAS, since the inception of the Bicycle Master Plan in 2008, the City of Albany has added or improved 16.3 miles of bicycle infrastructure, which includes multi-use paths, shared use markings (sharrows), signage, and bike lanes throughout the City of Albany; and

WHEREAS, the number of bike racks in Albany have increased to 344 throughout the city with an estimated total of 1446 bicycle parking spaces, all regular route Capital District Transportation Authority buses are equipped with bike racks; and

WHEREAS, each year the League of American Bicyclists (LAB) recognizes bicycle friendly communities with Platinum, Gold, Silver and Bronze level awards, and recognizes communities that are on the right track with Honorable Mention. The City of Albany received Honorable Mention in 2012 as a "Bicycle Friendly Community" from LAB for efforts to become more bicycle friendly. LAB feedback report stated that they were, "...impressed with the growing commitment to make Albany, NY a great place for bicyclists. The Honorable Mention given by the reviewers reflects their view that some of the key building blocks of creating a Bicycle Friendly Community are in place..." and

WHEREAS, the LAB feedback report provided numerous recommendations to the City of Albany to make the city more bicycle friendly such as promoting active transportation by reducing traffic speeds, providing "protected bicycle infrastructure, such as cycle tracks, buffered bike lanes or parallel shared use paths" along arterial and collector roads, making intersections safer for bicyclists, and more; and

WHEREAS, in April 2010 the CAPITAL COEXIST website (www.capitalcoexist.org) was launched. This localized education campaign is geared towards cyclists and motorists safely *coexisting* when using the region's roadways. Capital Coexist was developed by the CDTC in response to the Albany Bicycle Master Plan and public requests for bicycle education and safety information; and

WHEREAS, the Mayor's Office of Energy & Sustainability was established in 2010 to coordinate energy conservation and efficiency initiatives among the municipal departments and to drive community wide efforts to become a more livable and sustainable city, which includes promoting and supporting bicycling and other active transportation. The office's website is www.albanyustainability.org; and

WHEREAS, in 2007, the world's foremost authority on climate change, the Intergovernmental Panel on Climate Change (IPCC), declared that the "Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level" and that "human influence is very likely the leading cause of global warming;" and

WHEREAS, the City of Albany's Greenhouse Gas (GHG) Emissions inventory, available on the Office of Energy and Sustainability, website found that 21% of total community GHG emissions are generated from transportation. This percentage can be reduced by community members making the choice to walk, bike or ride the bus more frequently; and

WHEREAS, the League of American Bicyclists, the New York Bicycling Coalition, Capital Coexist, the Albany Police Department, the Albany Bicycling Coalition, and others are promoting greater public awareness of bicycle operation and safety education in an effort to reduce crashes, injuries and fatalities for all; and

WHEREAS, the Albany Police Department will be conducting a public outreach campaign throughout Bike Month that will include a “Share the Road” announcement on message boards in key locations and directed enforcement of Vehicle and Traffic Laws pertaining to bicycle and pedestrian safety; and

WHEREAS, Section 152 of the New York State Traffic Law defines “traffic” as “Pedestrians...vehicles, bicycles and other conveyances either singly or together while using any highway for the purpose of travel;” and

WHEREAS, in summary, three key components of the New York State Traffic Law that relate to bicycling are:

- Bicyclists must ride with traffic and thus travel in the same direction as motor vehicles.
- A bicycle is a vehicle and as such must observe all traffic laws and obey all signals, signs, and pavement markings.
- Bicyclists must signal to turn on a roadway, a bike lane or bike path; and

WHEREAS, there are numerous events to promote bicycling, including: The Earth Day lunch time bike parade on April 22nd, 3rd Annual Albany Tweed Ride on April 27th. The Albany Bike Expo 2014 on Sunday, May 4th, National Bike-to-Work Day and the Capital Moves Bike to Work Challenge on May 16th, The Ride of Silence on May 21st, the Albany Police Department and PAL 2014 Bike Rodeo on May 27th; and the Capital Moves and NY Bicycling Coalition Traffic Skills 101 training on May 23rd and 24th.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council hereby proclaims May 2014 as Bike Month in the City of Albany, urges all motorists and bicyclists to follow New York State’s Vehicle and Traffic Law, and share the road respectfully and responsibly.

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 36.42.14R was co-sponsored by Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

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

ADDITIONAL PUBLIC COMMENT

1. Steven Barnette, Bethlehem, NY (Oppose E23 Casino);
2. Mary Baker, Bethlehem, NY (Oppose E23 Casino);
3. Pamela Skurvack, Bethlehem, NY (Oppose E23 Casino).

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

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. Richard Beaupre, 7 Barclay Street 1st Floor,, Albany NY 12208;
2. Marquita Smith, Albany County Clerk's Office, 16 Eagle Street, Room 128 Albany, NY 12207;
3. Gerald E. Campbell, 24 Eagle Street – Room 202, Albany, NY 12207

President Pro Tempore Conti congratulated Council Member Applyrs on receiving her doctorate, wished Council Member Krasher a Happy Birthday and wished City Clerk Nala Woodard a Happy Belated Birthday.

ADJOURNMENT

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

A true record of the Common Council Minutes of April 21st 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL