

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Thursday, January 20, 2011

The Common Council was convened at 6:30 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 was the following staff: John Marsolais, Patrick Jordan, Barbara Samel and Cashawna Parker.

Council Member Conti led the Pledge of Allegiance.

Council Member Conti moved that the Council recess its meeting and reconvene in the Atrium of City Hall to receive the Mayor's State of the City address and at the conclusion of the address return to the Council Chamber to complete the meeting agenda.

The motion was approved by unanimous voice vote.

PUBLIC COMMENT PERIOD

1. Sandra Steubing, 680 Central Ave., Albany, NY 12206 (Peak Fuel)
2. Doris Coles, 232 First St., Albany, NY 12210 (Various Issues)

There being no further speakers, the President declared the Public Comment Period closed.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Council Member Conti made a motion to approve the minutes of December 20, 2010 and January 3, 2011, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

The Local Laws on the pending agenda were held at the request of Council Member Conti.

REPORTS OF STANDING COMMITTEES

Law, Buildings and Code Enforcement Committee – Mr. Igoe indicated that the Committee met on Tuesday, January 12 at 5:30 PM to consider Ordinance 98.121.10 in relation to the keeping of hens with city limits. The Committee held the ordinance for further discussion and additional research.

General Services, Health and Environment – Council Member O'Brien stated that the Committee would be meeting on Wednesday, January 26, 2011 at 5:30p.m. to discuss the Solid Waste Management Plan Final Impact Statement.

Finance, Taxation and Assessment – Council Member Sano stated that the Committee would be meeting on Tuesday, January 25, 2011 at 5:30p.m. to discuss Resolution Number 124.123.10R in relation to retiree health insurance benefits.

REPORTS OF AD HOC COMMITTEES

Cable Access – Mr. Rosenzweig stated that he distributed the Public Service Commission’s approval of the Time Warner Franchise agreement to Council Members.

CONSIDERATION OF ORDINANCES

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

Ordinance Number 1.12.11

AN ORDINANCE AMENDING ARTICLE IV (BOARD OF ZONING APPEALS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO REDUCE THE NUMBER OF MEMBERS AND CHANGE THE TERMS OF OFFICE

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

Section 1. Section 375-11 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-11. Establishment and membership.

Pursuant to § 81 of the General City Law of the State of New York, there is hereby established a Board of Zoning Appeals consisting of [~~seven~~] five members appointed by the Mayor and subject to the advice and consent of the Common Council as provided by Section 301 of the City Charter. [The members of the Board serving at the time this chapter is passed shall continue in office as members of the Board hereby established. The Mayor shall choose two of these members to serve one-year terms, two to serve two-year terms and three to serve three-year terms. The one-year terms shall expire at 12:00 midnight on December 31 of the year following the year during which this chapter is passed.]

Section 2. Section 375-12 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-12. Terms of office; vacancies; compensation.

The Mayor shall appoint subsequent Board members to [~~three~~] five year terms. Terms shall begin January 1 and expire at 12:00 midnight on December 31. A member shall continue to serve until a successor is appointed. An appointment to fill a vacancy occurring prior to the expiration of a term shall be for the remainder of the unexpired term. Board members may be compensated at a rate determined by the Board of Equalization and Assessment.

Section 3. Section 375-13 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-13. Meetings; quorum; records.

A. Meetings of the Board shall be held twice a month on a regular schedule established by the Board members, with additional meetings to be held at the call of the Chair if determined to be necessary. All Board meetings shall be open to the public and held in strict compliance with Article 7 of the New York State Public Officers Law. All proceedings, including all deliberations of the Board, shall be open to the public.

B. The presence of [~~four~~] three members shall constitute a quorum of the Board. The concurring vote of [~~four~~] three members shall be required to carry out any action of the Board, except as may be statutorily required.

C. The Board shall keep minutes of its proceedings and shall keep records of all votes taken and all official actions. All Board records shall be part of the public record and shall be kept on file in the office of the Director.

Section 4. This section shall take effect immediately. The members of the Board serving at the time this amendment is passed shall continue in office as members of the Board hereby established. Beginning with terms expiring December 31, 2011, two of the three members whose terms are due to expire on that date will not be re-appointed and the remaining member will be appointed to a three-year term in order to effectuate the board reduction. Upon the expiration of terms on December 31, 2012, the Mayor shall choose one of these members to serve a three-year term and one to serve four-year term. Upon the expiration of terms on December 31, 2013, the Mayor shall choose one of these members to serve a four-year term. The Mayor shall appoint subsequent Board members to five-year terms as provided above.

The Ordinances on the pending agenda were held at the request of Council Member Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Conti asked and received majority consent to add Resolution Number 3.12.11R(MC) to the pending agenda, which was approved by unanimous voice vote.

Council Member O'Brien offered the following, which was referred to the General Services, Health and Environment Committee:

Resolution Number 3.12.11R(MC)

RESOLUTION OF THE COMMON COUNCIL DETERMINING THAT THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS) IS COMPLETE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONVERSATION LAW (SEQRA) AND THE REGULATIONS PROMULGATED THEREUNDER IN CONNECTION WITH THE SOLID WASTE MANAGEMENT PLAN FOR THE CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP PLANNING UNIT

WHEREAS, on June 25, 2009, the New York State Department of Environmental Conservation (DE C) issued to the City of Albany, permit.# 4-0101-00171100011 for the purpose of operating and expanding the landfill beyond its current capacity; and

WHEREAS, Special Condition 26(b) of the Permit calls for the Capital Region Solid Waste Management Partnership Planning Unit to have a new long term Solid Waste Management Plan (SWMP) in effect by January 1,2011; and

WHEREAS, the Common Council has received a long form Environmental Assessment Form (EAF), as well as a Draft Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership Planning Unit; and

WHEREAS, the Council has reviewed the EAF and Draft Solid Waste Management Plan and determined to conduct a coordinated review among all involved agencies; and

WHEREAS, the Common Council passed a resolution on July 17,2010 declaring itself Lead Agency in accordance with SEQRA regulation 6 NYCRR 617.6 (4); and

WHEREAS, the Common Council as designated lead agency issued a positive declaration requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS) in accordance with 6 NYCRR 617.7(a); and

WHEREAS, the Common Council passed a resolution on October 4,2010 declaring the DGEIS complete and adequate for public review in accordance with SEQRA regulations 6 NYCRR 617.9 (a), and establishing a 45 day public comment period during which written comments were submitted; and

WHEREAS, a public hearing was held pursuant to the provisions of 6 NYCRR 617.12 on October 25,2010; and

WHEREAS, written comments regarding the DGEIS were accepted until November 19, 2010; and

WHEREAS, in response to the expiration of the public comment period, a Final Generic Environmental Impact Statement (FGEIS) was prepared in accordance with SEQRA regulations 6 NYCRR 617.10 and a copy of the FGEIS has been submitted to each member of the Common Council.

NOW THEREFORE BE IT RESOLVED, that the Common Council hereby deems the FGEIS complete in accordance with SEQRA regulations 6 NYCRR 617.10.

BE IT FURTHER RESOLVED, that the Common Council hereby authorizes the City Clerk to distribute copies of the Notice of Completion of the FGEIS to all members of the Solid Waste Management Partnership Planning Unit; and

BE IT FURTHER RESOLVED, that the Common Council hereby authorizes the City Clerk to distribute and publish the Notice of Completion of the FGEIS in accordance with SEQRA regulations 6 NYCRR 617.12.

The remaining Resolutions on the pending agenda were held at the request of Council Member Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Herring offered the following, which was approved 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, 2010, AND WAIVE THE READING OF THE NAMES:

McLaughlin, Carolyn, 76 Grandview Terrace, Albany, NY 12202
Bailey, Ronald E., 354 Elk St, Albany, NY 12206
Calsolaro, Dominick, 35 Clare Ave, Albany, NY 12202
Commisso, Jr., Frank, 130 Cottage Ave, Albany, NY 12203
Conti, Richard, 151 Chestnut St, Albany, NY 12210
Dixon, Clifton M, 29 2nd Street, #101, Albany, NY 12210
Fahey, Catherine M., 32 Lawnridge Ave, Albany, NY 12208
Dougherty, Kevin, 165 Henry Johnson Blvd, Albany, NY 12210.
Golby, Leah, 550 Myrtle Ave, Albany, NY 12208
Herring, Daniel, 4 Fairlawn Ave, Albany, NY 12203
Igoe, Joseph, 62 Aspen Circle, Albany, NY 12208
Jenkins-Cox, Jacqueline M., 352 Colonie St, Albany, NY 12206
Jones, Michael K, 100 State Street, Room 350, Albany, NY 12207
O'Brien, Michael, 33 Danker Ave, Albany, NY 12206
Reynolds, David R, 560 Myrtle Ave, Albany, NY 12208
Rosenzweig, John, 19 Mohican Pl, Albany, NY 12208
Sano, James P, 15 Van Schoick Ave, Albany, NY 12208
Smith, Barbara, 235 Livingston Ave, Albany, NY, 12210

Council Member Konev went on record to state his support for Resolution Numbers 123.123.10R, 2.11.11R, 122.123.10R, 130.123.10R and Ordinance Number 96.121.10 all of which previously passed the Council at the Meetings of December 21, 2010 or January 3, 2011 while he was out of the country and absent from the respective meetings.

ADJOURNMENT

Council Member Conti moved for adjournment.

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

A true record of the Common Council Minutes of January 20th, 2011.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL