

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, January 22, 2009

The Common Council was convened at 7:00 p.m. and was called to order by Council President Morris.

The roll being called, the following answered to their names: Council Members Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons.

Also present was the following staff: John Marsolais, Patrick Jordan, Barbara Samel and Cashawna Parker.

Council Member Casey led the Pledge of Allegiance.

Council Member Conti moved for a recess so as to allow the Council to receive the Mayor's "State of the City" address in the rotunda of City Hall and that the Council reconvene immediately after the Mayor's message to continue with its regular agenda. The motion was adopted.

Upon reconvening, the Council continued with its regular agenda.

PUBLIC COMMENT PERIOD

1. Amy Healy, The Yellow Book,(Ordinance 24.41.08)
2. John O'Grady, 817 Livingston Avenue, Albany, NY 12206 (Youth Services)
3. John Cutro, P.O. Box 505, Niagarville, NY 12130 (Youth Violence)
4. Anton Konev, 268 Washington Avenue, Albany, NY 12203 (State of the City)
5. Vince Riguso, 13 Beach Avenue, Albany, NY 12208 (Residency Ordinance)
6. Elisa Van Allen, 327 State Street, Albany, NY 12208 (State of the City)
7. Tom Ellis, 43 N. Pine Avenue, Albany, NY 12203 (State of the City)

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Deferred

CONSIDERATION OF LOCAL LAWS

Council Member Conti made a motion to hold the Local Laws on the pending agenda, which was approved by unanimous voice vote.

REPORTS OF STANDING COMMITTEES

Human Resources and Human Rights - Council Member Casey stated that the committee would be meeting on January 28, 2009 to get an update on the Human Rights Commission.

CONSIDERATION OF ORDINANCES

Council Member Sano introduced the following, which was held:

Ordinance Number 2.12.09

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,500,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (DELAWARE AVENUE 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: \$2,500,000.00
Maximum Amount of Bonds: \$2,500,000.00
Comptroller's Bond Authorization Numbers: I-09
Comptroller's Project Numbers: GH 50109909

Section 2. The plan of financing such objects or purposes is the issuance of \$2,500,000.00 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 therefor. 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 comptroller, 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 Comptroller, consistent with the provisions of Local Finance Law.

Section 7. The City Comptroller 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 Comptroller 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 of 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 January 22, 2009 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Note: There was discussion from Council Member Conti regarding this bonding is in relation to a TIP project.

Council Member Casey introduced the following, which was referred to the Public Safety Committee:

Ordinance Number 3.12.09

AN ORDINANCE AMENDING CHAPTER 193 (FIREARMS AND AMMUNITION) OF THE CODE OF THE CITY OF ALBANY TO ADD A NEW ARTICLE IV ENTITLED "GUN OFFENDER REGISTRATION."

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

Section 1. Chapter 193 of the Code of the City of Albany is hereby amended by adding thereto a new Article IV to read as follows:

**ARTICLE IV
GUN OFFENDER REGISTRATION**

§ 193-21. Definitions.

The following terms have the meanings indicated:

"Convicted" - having been found guilty of a gun offense by a jury or judicial officer; (2) the acceptance of a plea of guilty or nolo contendere for a gun offense; having been granted a probation before judgment after a finding of guilt for a gun offense.

"Correctional facility" - a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.

"Gun offender" - any adult who is convicted of a gun offense in a court and is a resident of the City of Albany. Such term shall not include a person whose conviction for a gun offense has been reversed on appeal or otherwise set aside pursuant to law; or who has been pardoned by the governor.

"Gun offense" - a violation of any of the following sections of the state criminal law including wearing, carrying, or transporting handgun; use of handgun or antique firearm in commission of crime; use of machine gun or assault weapon in crime of violence; possession of regulated firearm prohibited; sale, transfer, or disposal of stolen regulated firearm transporting regulated firearm for unlawful sale; removal or alteration of identification mark or number on firearm}; manufacture or sale of handguns.

§ 193-22. Rules and regulations.

(A) The police chief may adopt rules and regulations to carry out this article.

(B) These rules and regulations may govern:

- (1) the form, content, and processing of the acknowledgment required by this article;
- (2) the form and content of the registration required under this article;
- (3) the documentation required to verify the content of the registration

Required under this article;

- (4) the maintenance, use, and availability of the information that is collected by the police chief under this article.

(C) a copy of all rules and regulations adopted under this article must be filed with the department of law before they take effect.

§ 193-23. Registration – In General.

(A) A gun offender must register with the Police Chief.

(B) At the time that a gun offender is convicted, the gun offender must acknowledge, in writing, his or her duty to register under this Article.

(C) The registration must be made within 48 hours of:

- (1) the date that the sentence is imposed, if the gun offender receives a sentence that does not include imprisonment;
- (2) the date that probation before judgment is granted; or
- (3) the date of release from a correctional facility, if the gun offender receives a sentence that includes imprisonment.

(d) To register, a gun offender must personally appear at an office designated by the Police Chief.

§ 193-24. Registration – Content and Form.

(A) The registration must be in the form and contain the information that the Police Chief requires.

(B) The registration must specify:

- (1) the gun offender's name;
- (2) a description of the crime for which the gun offender was convicted;
- (3) the date that the gun offender was convicted;
- (4) any other name by which the gun offender has been legally known;
- (5) a list of all aliases that the gun offender has used;
- (6) identifying factors of the gun offender, including a physical description;
- (7) the gun offender's residence; and
- (8) any other information required by the rules and regulations adopted by the Police Chief under this Article.

(C) The registration must be signed and dated by the gun offender.

(D) At the time that the gun offender appears, the Police Chief may photograph the gun offender.

(E) The Police Chief may require the gun offender to provide documentation that verifies the contents of the registration.

§ 193-25. Periodic Verification.

(A) Except as provided in paragraph (B) of this section, within 20 calendar days after each 6-month anniversary of a gun offender's initial registration, the gun offender must personally appear at an office designated by the Police Chief to verify and update, as appropriate, the contents of the registration.

(B) If a gun offender is confined to any correctional facility, hospital, or institution throughout the 20-day period described in paragraph (A) of this section, the gun offender must personally appear at an office designated by the Police Chief, within 48 hours of release, to verify and update, as appropriate, the contents of the registration.

(C) Within 10 calendar days after changing residences within the City of Albany, a gun offender must personally appear at an office designated by the Police Chief to update the contents of the registration.

(D) The Police Chief may require the gun offender to provide documentation that verifies the contents of the registration.

§ 193-26. Term of Verification Requirement.

The gun offender must verify the contents of the registration for a period of 3 years from:

(A) The date that the sentence is imposed, if the gun offender receives a sentence that does not include imprisonment;

(B) The date that probation before judgment is granted; or

(C) The date of release from a correctional facility, if the gun offender receives a sentence that includes imprisonment.

§ 193-27. Sharing of registration information.

The Police Chief may make the information collected under this Article available to any federal, state, or local law enforcement agency and any city agency. The Police Chief shall make this information available to the public by creating a website containing the information of each registered gun offender.

§ 193-28. Prohibited conduct.

No gun offender may:

(A) Knowingly fail to acknowledge in writing his or her duty to register under this Article;

(B) Fail to register as required by this Article or the rules and regulations adopted under it;

(C) Fail to verify information as required by this Article or the rules and regulations adopted under it; or

(D) Provide false information in the registration or verification required by this Article or the rules and regulations adopted under it.

§ 193-29. Penalties.

Any gun offender who violates any provision of this Article is guilty of a misdemeanor and, on conviction, may be subject to a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense. Each day that a violation continues is a separate offense.

Section 2. This ordinance shall take effect 90 days after its enactment.

Council Member Igoe moved to amend and as amended asked for passage and a roll call vote thereon:

Ordinance Number 24.41.08 (As Amended)

AN ORDINANCE AMENDING CHAPTER 217 (HANDBILLS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO TELEPHONE DIRECTORY DISTRIBUTION

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

Section 1. Section 217-1 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-1. Intent and purpose.

The Common Council of the City of Albany finds and declares that the illegal posting and distributing of handbills is a nuisance and form of visual pollution which negatively impacts the quality of life in residential and commercial neighborhoods. Particularly offensive is the defacement of public property through the illegal placement of bumper stickers and similar matter and the placement of posters or lawn signs by candidates for public office on vacant or boarded up buildings and on public spaces. It is the intent of this chapter to prohibit the illegal posting of handbills and to regulate distribution in a manner which informs person distributing handbills of the requirements herein and minimizes street litter.

Unwanted telephone books have become a waste problem, as well as a litter and nuisance problem. Residents and businesses complain about unwanted telephone books. The taxpayers bear the burden for clean-up, recycling and disposal of unwanted books. As the number of telephone directory distributors increases, it has become a serious environmental concern. In the interest of improving the quality of life for our residents, of reducing waste removal and recycling costs to local governments, and of reducing the use of natural resources, the Common Council amends this ordinance to include telephone directories within its provisions.

Section 2. Section 217-2 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL HANDBILL — Any handbill which:

- A. Advertises for sale at a commercial establishment any commodity or service;
- B. Directs attention to any business, commercial establishment or other activity for the purpose of either directly or indirectly promoting its interest; or
- C. Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit.
- D. A publication that lists and publishes the names, addresses and telephone numbers of telephone customers or the advertisements, products or services of businesses or professional firms by alphabetical category, commonly known as a local telephone directory.

HANDBILL — Any printed or written matter, poster, lawn sign, sample circular, leaflet, pamphlet, paper, booklet, printed matter of literature, bumper sticker, decal or similar matter with a self-adhesive backing intended to affix to a surface.

PERSON — Any natural person, firm, partnership, association, corporation, company, public utility or organization of any kind.

PUBLIC PLACE — Any street, sidewalk, alley, public way, public park, public square, public space, public grounds or public building.

Section 3. Section 217-3 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-3. Distribution and posting.

A. Public places.

- (1) No person shall leave any handbill or local telephone directory upon a public place within the City of Albany. This provision shall not be construed as prohibiting the distribution of handbills to persons willing to accept them.
- (2) No person shall affix any handbill to any lamppost, public utility pole, street sign, traffic sign, bus shelter, tree or upon any public structure or public building.

B. Private property.

(1) No person shall leave any handbill or local telephone directory upon any private property which is temporarily or continuously uninhabited or vacant.

(2) No person shall leave any handbill upon private property if requested by the owner or any person in control of the property not to do so, or if there is posted on the property in a conspicuous place near the entrance a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertising," or any similar notice indicating that the occupants of the property do not desire to have any handbills left upon the property. Local telephone directories may be left upon properties where there is posted a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertising," or any similar notice indicating that the occupants of the property do not desire to have any handbills left upon the property, subject to the requirements of Section 217-3(D).

(3) Handbills may be distributed to inhabited private property which is not posted as provided in this chapter, provided that the handbills are left in a manner that prevents them from being carried by the elements upon any public place or private property.

(4) Local telephone directories shall be delivered to within ten (10) feet of the entranceway of any residential or commercial structure whether it be public or private.

C. Motor vehicles. No person shall place any handbills on a motor vehicle.

D. All local telephone directories distributed within the City of Albany shall conspicuously print on the front cover and/or in the Table of Contents a statement that reads, "IF YOU NO LONGER WISH TO RECEIVE THIS DIRECTORY, PLEASE CALL THE FOLLOWING NUMBER OR CONTACT THE COMPANY AT THE FOLLOWING ADDRESS:" along with a toll-free number and mailing address, or electronic mailing address, for the business that residents may use to provide verbal or written notice to the business that the resident no longer wishes to receive the directory. Local telephone directories shall not be distributed to the resident at that address for a period of five years.

Section 4. Section 217-4 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-4. Licenses; fees.

A. License required. Any person engaged in the distribution of commercial handbills or local telephone directories within the City of Albany shall make application to and obtain from the City Clerk a commercial handbill distribution license. The application shall be written on a form prescribed by the City Clerk. Any person obtaining a commercial handbill distribution license shall be permitted to distribute handbills or local telephone directories pursuant to the provisions of this chapter and the rules and regulations promulgated by the City Clerk.

B. Rules and regulations. The City Clerk may promulgate rules and regulations which are necessary and proper to carry out the purposes of this chapter.

C. Suspension or revocation. A license may be suspended or revoked by the City Clerk only after notice in writing and an opportunity to be heard is given to the licensee. Written notice of intent to suspend or revoke a license shall be given to the licensee by registered or certified mail to the address set forth on the application. The City Clerk shall suspend or revoke the license of any licensee found to have violated or to have permitted a violation of any provision of this chapter or any other ordinance, rule or regulation or state or federal law pertaining to the distribution of commercial handbills.

D. Transferability of license. No license issued under this chapter shall be transferable.

E. Fees.

(1) License fees for a commercial handbill distribution license shall be as follows:

- (a) For a period of more than nine months to one year: \$150.
- (b) For a period of more than six months to nine months: \$115.
- (c) For a period of more than three months to six months: \$75.
- (d) For the period of more than one week to three months: \$50.

- (e) For the period of one week or less: \$25.
- (2) The yearly license shall be for a one-year period commencing at the time of issuance of the license.
- (3) Upon revocation of the license, the license fee shall be forfeited.

F. Any commercial handbill, with the exception of local telephone directories, distributed in accordance with this section shall bear a license number and expiration date issued by the City Clerk.

G. Nothing herein shall be interpreted to require a license for the placement of a commercial handbill, which is in the form of a poster or lawn sign, on private property when such placement is with the prior consent of the property owner and advertises the availability of such property for sale or rent or advertises the services of an individual, company or other entity making improvements on such property.

Section 5. Section 217-7 of Chapter 217 of the Code of the City of Albany is hereby amended to read as follows:

§ 217-7 When effective.

[This chapter shall take effect immediately upon its passage and publication according to law.] Section 217-3(B)(4) shall take effect February 1, 2009. Section 217-3(D) shall take effect October 1, 2009 and shall cease to have force and effect after December 31, 2011. All other such amendments shall take effect immediately upon passage.

Section 6. Except as herein amended the provisions of Chapter 217 are hereby ratified, continued and approved

Note: There was discussion from Council Member Igoe thanking the representatives from the telephone book industries for their input. He discussed people having the option to opt-out and there being three (3) main issues: public safety, quality of life and waste of natural resources. There was discussion from Council Member Rosenzweig keeping the distributors accountable for how they deliver the telephone directories. There was discussion from Council Member Ellis regarding his support for this legislation and it being the job of the Council to have oversight of the opt-out information.

Ordinance 24.41.08 (As Amended) was Co-Sponsored by Council Members Ellis, Fahey, Smith and Timmons.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 12 Negative 0 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

Council Member Casey offered the following, asked for passage and a roll call vote thereon:

Resolution Number 12.12.09R

A RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT WITH THE ALBANY POLICE OFFICERS UNION – COMMUNICATIONS UNIT

RESOLVED, that the Mayor of the City of Albany be, and hereby is authorized and empowered to execute a successor collective bargaining agreement with the Albany Police Officers Union, Communications Unit, together with such other forms necessary to effectuate the purposes thereof.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

Council Members Fahey and Calsolaro offered the following, which was held:

Resolution Number 13.12.09R

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (DELAWARE AVENUE ROAD RECONSTRUCTION PROJECT [P.I.N. 1756.61.121/.221/.321])

WHEREAS, a Project for the Delaware Avenue Road Reconstruction, P.I.N. 1756.61 (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the cost of Construction.

NOW, THEREFORE, the Common Council, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$719,725.00 (Seven hundred thousand seven hundred twenty five dollars and no cents) (\$700,725.00 for Preliminary Engineering Phase and \$19,000.00 for Right of Way Incidentals and Acquisition Phase) has already been appropriated from Ordinance No. 12.21.06 and made available to cover the cost of participation in the Preliminary Engineering Phase and Right of Way Phases of the Project; and it is further

RESOLVED, that the additional sum of \$9,770,000.00 (Nine million seven hundred seventy thousand dollars and no cents) (Construction and Construction Inspection) is hereby appropriated pursuant to Ordinance Nos. 12.21.06, 17.22.08 and 2.12.09 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Council Members Sano and Calsolaro offered the following, which was held:

Resolution Number 14.12.09R

RESOLUTION CONGRATULATING THE ST. TERESA OF AVILA SCHOOL SCIENCE CLUB ON WINNING THE LEXUS ECO CHALLENGE, A NATIONAL ENVIRONMENTAL CHALLENGE

WHEREAS, St. Teresa of Avila School took part in the Lexus Eco Challenge where students nationwide learned the importance of recycling, composting, saving endangered plant and animal species, and cleaning up parks and forests, and

WHEREAS, sixteen teams in 12 states were awarded \$10,000 each for their outstanding entries in the "Protecting the Land" Challenge. For each of the challenges, teams were required to define an environmental issue that is important to them, develop an action plan to address the issue, implement the plan, and report on the results, and

WHEREAS, members of the Science Club at St. Teresa of Avila School, put in place a paper recycling program that won the Lexus Eco Challenge. St. Teresa's was the only middle school team from New York State to win. With the help of science teacher Laura Salewski the students wrote their action plan, created fliers about recycling paper and distributed them to the parish community and also included them with the church bulletin. They scheduled a day in October for the parish community to drop off paper. They also talked to the younger students about the environment and waste and about recycling at home and in school, and

WHEREAS, the students also improved the school's in-house recycling by using Greenfiber, a company that makes insulation from recycled paper. In two months, they recycled four tons of paper. Previously, all that paper used to go into the school dumpster, and

WHEREAS, the St. Teresa of Avila Science Club includes eighth graders Cailin McKenna (President), Allison House, Ashley Evola, Clare Herubin, Carmen Hubert, Theresa Rubi, Innah Bisquera, Summer Clevenger, Jen DuMond and Faith Welch, and

WHEREAS, the students efforts have made enough impact within their community that even the City of Albany Department of General Services has taken note and is considering way to build on their success. The City of Albany recognizes the importance of recycling and encouraging citizens and young people to work together to protect the environment, preserve natural resources and improve their communities.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates the members of the St. Teresa of Avila Science Club, their teacher Ms. Laura Salewski and Principal Sister Patricia Houlihan on their achievements and success in winning the Lexus Eco Challenge. Their creativity and commitment have made a difference within their community and the City of Albany.

Council Member Conti on behalf of Council Member McLaughlin offered the following, asked for passage and a roll call vote thereon:

Resolution Number 15.12.09R

RESOLUTION OF THE COMMON COUNCIL REPEALING RESOLUTION 49.61.08R IN ITS ENTIRETY AND AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU-OF TAX (PILOT) AGREEMENT WITH EZRA PRENTICE HOMES REDEVELOPMENT, LLC AND EZRA PRENTICE HOUSING DEVELOPMENT FUND CORP.

WHEREAS, Ezra Prentice Homes Redevelopment LLC has low income housing development within the City of Albany, located and situated at or near 625 South Pearl Street in the City and County of Albany, State of New York ("Property"); and

WHEREAS, the LLC is a Limited Liability Company established pursuant to section 203 of the Limited Liability Company Law and is controlled by or under common control with the Albany Housing Authority (the "AHA"); and

WHEREAS, the LLC has been formed for the purpose of providing housing facilities for persons of low income; and

WHEREAS, it is anticipated that Ezra Prentice Housing Development Fund Corp. (the “HDFC”) will be organized as a corporation established pursuant to section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”), and will be controlled by or under common control with the AHA; and

WHEREAS, it is anticipated that the HDFC will be organized as a “housing development fund company” as that term is defined in Section 572 of the PHFL; and

WHEREAS, it is anticipated that the HDFC will be the sole managing member of the Company; and

WHEREAS, the Company's and the HDFC’s plan for the use of the property, consisting of the redevelopment of one hundred seventy nine (179) residential rental units for persons and families of low-income, constitutes a “housing project” as that term is defined in Section 572 of the PHFL (the “Project”) and will be located and situated at or near 625 South Pearl Street in the City and County of Albany, State of New York.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be and he is hereby authorized and empowered to execute and enter into a PILOT agreement with the LLC in a form as approved by the Corporation Counsel, together with such other and further forms, documents and agreements necessary to amend, renew, supplement or effectuate the same.

BE IT FURTHER RESOLVED, that Resolution 49.61.08R passed by the Common Council on June 2, 2008 is hereby repealed in its entirety.

RESOLVED, that this resolution shall take effect immediately.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

Council Member Conti asked and received majority consent to add Resolutions 16.12.09R, 17.12.09R, 18.12.09R, 19.12.09R, and 20.12.09R, which was approved by unanimous voice vote.

Council Member Fox offered the following, asked for passage and a roll call vote thereon:

Resolution Number 16.12.09R(MC)

RESOLUTION OF THE COMMON COUNCIL REGARDING INCLUSION OF ADDITIONAL DOCUMENTATION AS AMENDMENT TO SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT STATEMENT AND THE PROVISION OF A COMMENT PERIOD IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA) AND THE REGULATIONS PROMULGATED THEREUNDER IN CONNECTION WITH THARALDSON DEVELOPMENT COMPANY’S APPLICATION FOR REZONING OF 124-128R WASHINGTON AVENUE EXTENSION

WHEREAS, on November 17, 2008, the Common Council, based upon its own independent examination and consideration of the Supplemental Final Environmental Impact Statement (“SFEIS”), and the entire record, and consultation with its planning staff, and legal counsel found and determined that the SFEIS was satisfactory with respect to its scope, content, substance and adequacy; and

WHEREAS, the Common Council confirmed that certain information and analysis that were examined in the Supplemental DEIS were amplified and further discussed and evaluated in reports and at public meetings before the Common Council and the Zoning Committee. This material was examined and determined to be consistent with the information regarding such issues contained in the Supplemental DEIS and did not

significantly alter the conclusions therein. The information amplified and augmented information previously considered by the Common Council and contained in the EIS's and did not identify any newly discovered information about potential significant adverse environmental affects which were not previously adequately addressed; and

WHEREAS, as a result of its independent examination and careful review, the Common Council determined that, on balance, and after due consideration of all relevant documentation and comments, it had more than adequate information to evaluate all of the relevant benefits, such as job creation and significant increase in tax revenues and potential significant adverse environmental impacts of the Project, including, but not limited to the finding of a worm snake, to adopt the SFEIS; and

WHEREAS, pursuant to 6 NYCRR 617.11(a), the Common Council circulated the SFEIS, as adopted on November 17, 2008, to all interested and involved agencies, including NYSDEC, and made it available for public review and comment, and awaited a reasonable time period for the consideration of the SFEIS; and

WHEREAS, additional information concerning potential environmental mitigation measures have been received by the Common Council and are being included in a proposed amendment to the SFEIS; and

WHEREAS, in the interests of public transparency, the Common Council, as Lead Agency, desires to invite public comments on this additional information which can be found at Appendix V of the amended SFEIS.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council finds and determines the following:

1. Additional information concerning potential environmental mitigation measures have been received by the Common Council and are being included in a proposed amendment to the SFEIS.
2. In the interests of public transparency, the Common Council, as Lead Agency, invites public comments on this additional information which can be found at Appendix V of the proposed amended SFEIS.
3. Written comments will be received by the City Clerk through 5:00 P.M. on February 6, 2009.
4. This resolution shall be filed and distributed in accordance with Section 617.12 of the SEQRA implementing regulations.
5. This Resolution shall take effect immediately.

APPENDIX V

List of Communications Received and Included Herein.

1. Albany Pine Bush Preserve Commission email dated November 17, 2008.
2. New York State Department of Environmental Conservation letter dated November 25, 2008.
3. Hershberg & Hershberg letter dated November 25, 2008
4. Hershberg & Hershberg letter dated December 4, 2008.
5. New York State Department of Environmental Conservation letter dated December 15, 2008.
6. B. Laing Associates letter report dated December 23, 2008.
7. Letter from Stephen Downs dated December 31, 2008.
8. Letter from Stephen Downs dated January 7, 2009.

9. B. Laing Associates Report dated January 9, 2009.
10. Hershberg & Hershberg letter dated January 12, 2009.

Note: There was discussion from Council Members Calsolaro and Ellis regarding the impact statement not being complete two months ago. They discussed the impact statement not being complete until an independent study of the site is done. There was discussion from Council Member Rosenzweig thanking Council Member Igoe and stating that the additional information was the right thing to do. There was discussion from Council Member Conti regarding the additions being discussed at the last Planning Committee meeting and that there was no public opposition at the meeting. He discussed this resolution opening the review process.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Casey, Conti, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, and Timmons

Negative -- Calsolaro, Ellis, and Smith

Affirmative 9 Negative 3 Abstain 0

Council Member Scalzo offered the following, asked for passage and a roll call vote thereon:

Resolution Number 17.12.09R(MC)

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY TO APPLY FOR LOCAL GOVERNMENT EFFICIENCY GRANT FUNDING

WHEREAS, the City of Albany, as Lead Applicant, and the City of Troy, as Co-Applicant, are in mutual support of submitting a Local Government Efficiency Grant Program application to the New York State Department of State, Division of Local Government Services for the 2008 - 2009 program year; and

WHEREAS, the respective responsibilities of the lead applicant and the co-applicants are enumerated in the grant application; and

WHEREAS, the police agencies in the aforementioned municipalities, together with other law enforcement agencies in Albany, Rensselaer and Schenectady Counties, have successfully applied for a \$3.6 million COPS Technology Program grant from the U.S. Department of Justice to implement a regional Records Management System (RMS) that allows law enforcement agencies in the Capital region to effectively and efficient share data with one another; and

WHEREAS, the COPS Technology Program grant requires a 25% match (\$1.2 million); and

WHEREAS, Local Government Efficiency Program funding is eligible as match for the COPS Technology grant; and

WHEREAS, the project title shall be the “Capital Region Law Enforcement Integrated Management Project”; and

WHEREAS, the “amount of grant requested” will not exceed six hundred thousand dollars (\$600,000.00); and

WHEREAS, the City of Albany and the City of Troy will each contribute one hundred thousand dollars (\$100,000) in LGE Program match through existing law enforcement funds, now

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany authorizes the Mayor to submit an application, as lead applicant, for funding not to exceed \$600,000 to the Local Government Efficiency Grant Program and to execute all financial and administrative processes relating to the grant.

BE IT FURTHER RESOLVED, that the City of Albany will commit \$100,000 in match from its existing law enforcement funds over the duration of the grant contract.

Resolution Number 17.12.09R(MC) was Co-Sponsored by Council Members Igoe, Rosenzweig and Sano.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

Council Member Scalzo offered the following, asked for passage and a roll call vote thereon:

Resolution Number 18.12.09R(MC)

RESOLUTION OF THE COMMON COUNCIL APPOINTING JEAN C. GANNON AS A MEMBER OF THE CITIZENS' POLICE REVIEW BOARD

NOW, THEREFORE, BE IT RESOLVED, that Jean C. Gannon be and hereby is appointed as a member of the Citizens' Police Review Board, to fill the vacancy of James Malatras, for a term of office expiring October 26, 2009.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Resolution Number 18.12.09R(MC) was Co-Sponsored by Council Members Igoe and Sano.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

Council Member Scalzo offered the following, asked for passage and a roll call vote thereon:

Resolution Number 19.12.09R(MC)

RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING JASON S. ALLEN AS A MEMBER OF THE CITIZENS' POLICE REVIEW BOARD

NOW, THEREFORE, BE IT RESOLVED, that Jason S. Allen be and hereby is appointed as a member of the Citizens' Police Review Board for a three year term ending October 26, 2011.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Resolution Number 19.12.09R(MC) was Co-Sponsored by Council Member Igoe.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

Council Member Scalzo offered the following, asked for passage and a roll call vote thereon:

Resolution Number 20.12.09R(MC)

RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING ANTHONY F. POTENZA AS A MEMBER OF THE CITIZENS' POLICE REVIEW BOARD.

NOW, THEREFORE, BE IT RESOLVED, that Anthony F. Potenza be and hereby is re-appointed as a member of the Citizens' Police Review Board for a term of office expiring October 26, 2011.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Resolution Number 20.12.09R(MC) was Co-Sponsored by Council Members Igoe, Rosenzweig and Sano.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

Council Member Rosenzweig on behalf of Council Member Herring asked for passage of RESOLUTION NUMBER 4.11.09R(MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF GLENN G. VIELE AS A MEMBER OF THE BOARD OF ZONING APPEALS), which had been previously introduced.

Resolution Number 4.11.09R(MC) was Co-Sponsored by council Members Igoe, Sano and Scalzo.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

Council Member Rosenzweig on behalf of Council Member Herring asked for passage of RESOLUTION NUMBER 6.11.09R(MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF MARCUS PRYOR AS A MEMBER OF THE PLANNING BOARD), which had been previously introduced.

Resolution 6.11.09R(MC) was Co-Sponsored by Council Members Igoe, Sano and Scalzo.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

Council Member Sano asked for passage of RESOLUTION NUMBER 11.11.09R (MC) (As Amended) (RESOLUTION URGING GOVERNOR DAVID PATERSON TO REJECT ANY PROPOSAL TO MERGE THE EGG WITH THE NEW YORK STATE THEATRE INSTITUTE AND TO AMEND HIS 2009-2010 EXECUTIVE BUDGET WITHIN THE TIMEFRAME FOR EXECUTIVE AMENDMENTS), which had been previously introduced.

Note: There was discussion from Council Member Conti regarding NYTI absorbing the costs but stated his concern with a merger between the Egg and NYTI. There was discussion from Council Member Sano regarding the City of Troy passing a resolution in support of this and the NYS Legislature being in support of this.

Resolution 11.11.09R(MC) (As Amended) was Co-Sponsored by Council Members Casey, Fahey, Fox, Igoe, Rosenzweig, Scalzo, Smith and Timmons.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Igoe, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 12 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Conti 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 JANUARY 1, 2009 THRU DECEMBER 31, 2010, AND WAIVE THE READING OF THE NAMES:

Jones, Gregory K., 8 Magnolia Terrace, 2nd Floor, Albany, NY 12209

Council Member Smith stated her concern regarding the Gun Violence Task Force activity. She stated she attended 23 or 24 meetings and the Council is still waiting on the final report.

Council Member Ellis, reacting to the Mayor's "State of the City" address stated his concern that the Council was not involved in a committee related to vacant buildings when the committee stemmed from a process that the Council had begun. He stated that it took 14 years to do something about vacant buildings in the city. He stated that the Mayor now recognizes that there is a gang problem, but a few years ago stated that there were no gangs in the city.

Council Member Calsolaro stated that he wanted to have an Gun Violence implementation team by February but had no specifics yet. He stated that Project Cease Fire has to be independently run and not by a municipal government. There are models and guidelines that they would have to be followed and the team should be community based.

Council Member Conti acknowledged Council Member Calsolaro and stated that the GVTF was initiated by the Council and that everyone needs to work together with the executive branch. He stated this should be a joint process and the Council should have a through discussion on how to move forward.

Council President Morris stated that the joint committee was presented as a Youth Violence team. She stated that the issue of gun violence should have it's own implementation team.

ADJOURNMENT

Council Member Conti asked that Council Members Herring, McLaughlin and O'Brien be excused.

A motion was made for adjournment.

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

A true record of the Common Council Minutes of January 22nd, 2009.

**CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL**