

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

Thursday, January 24, 2008

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, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Timmons.

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

Council Member Timmons led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

- 1) Vincent Riguso, 13 Beach Avenue, Albany, NY (Various Issues)

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 Igoe moved for passage and a roll call vote thereon on **LOCAL LAW E – 2007 (A LOCAL LAW AMENDING CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY BY ADDING THERETO A NEW ARTICLE XIII TO BE ENTITLED: “ILLCIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS”)** which had been previously introduced.

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

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Timmons

Affirmative 13 Negative 0 Abstain 0

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

REPORTS OF STANDING COMMITTEES

Law, Buildings and Code Enforcement – Council Member Igoe stated that the committee met on January 23, 2008 and favorably recommended Local Law E-2007 and Ordinance 3.21.07.

Human Resources and Human Rights – Council Member Casey stated that the committee is scheduled to meet on January 30, 2008 to discuss Resolution 4.11.08R(MC) regarding the appointment of Troy Mackey as Commissioner of Administrative Services.

Housing and Community Development – Council Member McLaughlin stated that the committee would be met on January 10, 2008 to discuss the proposed Community Development Block Grant (CDBG) budget with Commissioner Yevoli. There was only one appeal. She stated that she felt the agency has done a good job providing information of how the block grant money is allocated and that the Council will have to vote on a resolution regarding the funding.

CONSIDERATION OF ORDINANCES

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

Ordinance Number 2.12.08

AN ORDINANCE AMENDING ARTICLE X (RESIDENTIAL DISTRICT REGULATIONS), ARTICLE XI (NONRESIDENTIAL DISTRICT REGULATIONS), ARTICLE XII (SPECIAL DISTRICTS) AND ARTICLE XIV (SPECIFIC USE REGULATIONS) OF CHAPTER 375 (ZONING) IN RELATION TO SOLAR COLLECTION EQUIPMENT

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

Section 1. Section 375-93 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-93. Solar collection equipment.

A. [The existing controls herein are intended to aesthetically accommodate, so far as conditions permit, appropriate solar equipment and their necessary access to sunlight. Solar energy and solar access are recognized as valid public rights; however, without precedence over historic preservation or aesthetics.] The use of solar energy collectors for the purpose of providing energy for heating and/or cooling is a permitted use within all zoning districts, subject to the restraints imposed by this Chapter and Article XII of Chapter 42. Where there is a conflict between solar energy goals and the goals of this chapter, the applicant may make redress to the Board of Zoning Appeals for a determination pursuant to § 375-25, and the Board shall regard solar energy as a factor to be considered, weighed and balanced along with other factors.

B. [No solar collection device or system shall be erected and/or otherwise maintained without first having applied for a special use permit.

(1)] Installations of rooftop and building mounted solar collectors in any residential district or C-1 Neighborhood Commercial District shall comply with the following guidelines:

[(a)] (1) Placement shall be flush or flat mounted on a gabled hipped or mansard roof with no extension above the roof surface except for the actual thickness of the panel.

[(b)] (2) On a flat roof, no solar collection equipment shall be visible from street level.

[(c)] Heat-storing masses and ground-mounted solar collectors systems shall only be allowed in the rear yard, and their placement shall comply to the regulations for accessory structures.]

[(2)] C. Installations of rooftop and building mounted solar collectors in all other districts shall comply with the following guidelines:

[(a)] (1) Installation shall be permitted atop high-rise or other commercial buildings. It shall not interfere with the architectural, historic or other aesthetic features of the building, neighborhood or area. Appropriate and adequate screening and shielding measurements shall be required.

D. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:

(1) The location of the solar collector meets all applicable setback requirements of the zone in which it is located.

(2) The height of the solar collector and any mounts shall not exceed twenty feet when oriented at maximum tilt.

(3) The total surface area of all ground-mounted and freestanding solar collectors on the lot shall not exceed 1,000 square feet.

(4) The solar collector is located in a side or rear yard.

E. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the 12 month period.

Section 2. Subdivisions B. and C. of Section 375-61 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-61. R-1LL Single-Family Large Lot Residential District.

B. Accessory uses shall be as follows:

- (1) Detached garages.
- (2) Swimming pools.
- (3) Tennis courts.
- (4) Saunas and bathhouses.
- (5) Storage sheds.
- (6) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Parks or playgrounds.
- (2) Private schools.
- (3) Nursing homes.
- (4) Day-care centers.
- (5) Bed and breakfast.
- (6) Satellite dish antennas.
- [(7) Solar collection equipment.]

Section 3. Subdivisions B. and C. of Section 375-62 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

375-62. R-1A Single-Family Low-Density Residential District.

B. Accessory uses shall be as follows:

- (1) Detached garages.
- (2) Storage sheds.
- (3) Swimming pools.
- (4) Tennis courts.

- (5) Saunas and bathhouses.
- (6) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Private schools (excluding trade or professional schools).
- (2) Nursing homes.
- (3) Day-care centers.
- (4) Bed and breakfast.
- (5) Satellite dish antennas.
- [(6) **Solar** collection equipment.]

Section 4. Subdivisions B. and C. of Section 375-63 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-63. R-1B Single-Family Medium-Density Residential District.

B. Accessory uses shall be as follows:

- (1) Detached garages.
- (2) Storage sheds.
- (3) Swimming pools.
- (4) Tennis courts.
- (5) Saunas and bathhouses.
- (6) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Day-care centers.
- (2) Colleges or universities, including dormitories.
- (3) Bed and breakfast.
- (4) Nursing homes.
- (5) Private schools.
- (6) Satellite dish antennas.
- [(7) **Solar** collection equipment.]

Section 5. Subdivisions B. and C. of Section 375-64 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-64. R-2A One- and Two-Family Residential District.

B. Accessory uses shall be as follows:

- (1) Detached garages.
- (2) Home occupations.
- (3) Storage sheds.
- (4) Swimming pools.
- (5) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Conversions of single-family homes.
- (2) Private schools.
- (3) Colleges or universities, including dormitories.
- (4) Nursing homes.
- (5) Day-care centers.
- (6) Charitable or religious institutions.

Matter in [brackets] to be deleted. Matter underlined is new material.

- (7) Bed and breakfast.
- (8) Satellite dish antennas.
- [(9) Solar collection equipment.]

Section 6. Subdivisions B. and C. of Section 375-65 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-65. R-2B One- and Two-Family Medium-Density Residential District.

B. Accessory uses shall be as follows:

- (1) Home occupations.
- (2) Detached garages.
- (3) Storage sheds.
- (4) Swimming pools.
- (5) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Conversions of single-family homes.
- (2) Private schools.
- (3) Colleges or universities, including dormitories.
- (4) Nursing homes.
- (5) Day-care centers.
- (6) Charitable or religious institutions.
- (7) Bed-and-breakfast.
- (8) Community residences.
- (9) Satellite dish antennas.
- [(10) Solar collection equipment.]

Section 7. Subdivisions B. and C. of Section 375-66 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-66. R-2C One- and Two-Family Row House Residential District.

B. Accessory uses shall be as follows:

- (1) Detached garages.
- (2) Home occupations.
- (3) Storage sheds.
- (4) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Planned unit developments.
- (2) Nursing homes.
- (3) Day-care centers.
- (4) Charitable or religious institutions.
- (5) Bed and breakfast.
- (6) Day-care, adult.
- (7) (Reserved).
- (8) Community residences.
- (9) Conversions of single-family homes.
- (10) Private schools.
- (11) Satellite dish antennas.

[(12) Solar collection equipment.]

Section 8. Subdivisions B. and C. of Section 375-67 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-67. R-3A Multifamily Low-Density Residential District.

B. Accessory uses shall be as follows:

- (1) Home occupations.
- (2) Detached garages.
- (3) Storage sheds.
- (4) Swimming pools.
- (5) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Private schools.
- (2) Colleges or universities, including dormitories.
- (3) Hospitals.
- (4) Nursing homes.
- (5) Day-care centers.
- (6) Charitable or religious institutions.
- (7) Bed and breakfasts.
- (8) Community residences.
- (9) Satellite dish antennas.
- [(10) Solar collection equipment.]

Section 9. Subdivisions B. and C. of Section 375-68 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-68. R-3B Multifamily Medium-Density Residential District.

B. Accessory uses shall be as follows:

- (1) Home occupations.
- (2) Detached garages.
- (3) Storage sheds.
- (4) Swimming pools.
- (5) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Private schools.
- (2) Colleges or universities, including dormitories.
- (3) Hospitals.
- (4) Nursing homes.

- (5) Day-care centers.
- (6) Charitable or religious institutions.
- (7) Bed and breakfasts.
- (8) Rooming houses/SRO.
- (9) Community residences.
- (10) Satellite dish antennas.
- [(11) Solar collection equipment.]

Section 10. Subdivisions B. and C. of Section 375-69 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-69. R-4 Multifamily High-Rise Residential District.

B. Accessory uses shall be as follows:

- (1) Detached garages.
- (2) Storage sheds.
- (3) Home occupations.
- (4) Swimming pools.
- (5) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Private schools.
- (2) Nursing homes.
- (3) Colleges or universities, including dormitories.
- (4) Hospitals.
- (5) Day-care centers.
- (6) Charitable or religious institutions.
- (7) Bed and breakfasts.
- (8) Rooming houses/single-room occupancy (SRO).
- (9) Community residences.
- (10) Satellite dish antennas.
- [(11) Solar collection equipment.]

Section 11. Subdivisions B. and C. of Section 375-70 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-70. R-O Residential Office District.

B. Accessory uses shall be as follows:

- (1) Home occupations.
- (2) Detached garages.
- (3) Storage sheds.
- (4) Swimming pools.
- (5) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Day-care centers.
- (2) Nursing homes.
- (3) Hospitals.
- (4) Community residences.
- (5) Conversions of single-family homes.
- (6) Private schools.
- (7) Colleges or universities, including dormitories.
- (8) Charitable or religious institutions.
- (9) Bed and breakfasts.
- (10) Satellite dish antennas.
- [(11) Solar collection equipment.]

Section 12. Subdivisions B. and C. of Section 375-71 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-71. C-1 Neighborhood Commercial District.

B. Accessory uses shall be as follows:

- (1) Home occupations.
- (2) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Any business in a C-1 Zoning District that is open between the hours of 11:00 p.m. and 6:00 a.m. shall be required to obtain a special use permit.
- (2) Adult day-care.
- (3) Automobile service stations.
- (4) Day care.
- (5) Theaters.
- (6) Drive-in banks (Note: Not permitted in Historic Districts.) or ATM windows.
- (7) Funeral homes.
- (8) (Reserved)
- (9) Groceries, not to exceed 5,000 square feet. (Note: In historic districts, the square foot maximum is 2,500 square feet.)
- (10) Health clubs.
- (11) Indoor recreation.
- (12) Offices.
- (13) Take-out and delivery restaurants.
- (14) Taverns.
- (15) Restaurants serving alcohol.
- (16) Satellite dish antennas.
- [(17) Solar collection equipment.]

Section 13. Subdivisions B. and C. of Section 375-72 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-72. C-O Commercial Office District.

B. Accessory uses shall be as follows:

- (1) Day-care centers and nursery schools within a principal use.
- (2) Parking garages.
- (3) Parking lots.
- (4) Residences: The minimum size of a dwelling unit shall be 600 square feet.
- (5) Retail outlets, not more than 5,000 square feet.
- (6) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Adult day-care.
- (2) Health clubs.
- (3) Laboratories.
- (4) Personal service outlets.
- (5) Restaurants.
- (6) Rooming house/SRO.
- (7) Taverns.
- (8) Trade schools.

- (9) Satellite dish antennas.
- [(10) Solar collection equipment.]

Section 14. Subdivisions B. and C. of Section 375-73 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-73. C-2 Highway Commercial District.

B. Accessory uses shall be as follows:

- (1) Home occupations.
- (2) Parking garages.
- (3) Parking lots.
- (4) Residential uses.
- (5) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Adult day-care.
- (2) Car washes.
- (3) Carry-out restaurants.
- (4) Drive-in and drive-through restaurants.
- (5) Drive-in banks.
- (6) Game rooms.
- (7) Nightclubs.
- (8) Rooming house/SRO.
- (9) Taverns.
- (10) Fraternities and sororities.
- (11) Automobile repair, major.

- (12) Satellite dish antennas.
- [(13) Solar collection equipment.]

Section 15. Subdivisions B. and C. of Section 375-74 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-74. C-3 Central Business District.

B. Accessory uses shall be as follows:

- (1) Day-care centers.
- (2) Gasoline pumps accessory to parking garages.
- (3) Nursery schools.
- (4) Residential uses.
- (5) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Drive-in banks.
- (2) Funeral homes.
- (3) Game rooms (not to include gambling).
- (4) Gas stations.
- (5) Marinas.
- (6) Rooming house/SRO.
- (7) Stadiums, arenas and auditoriums.
- (8) Fraternities and sororities.

- (9) Nightclubs.
- [(10) Solar collection equipment.]

Section 16. Subdivisions B. and C. of Section 375-75 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-75. C-M Light Industrial District.

B. Accessory uses shall be as follows:

- (1) Caretaker's residence.
- (2) Facilities and shops for employees; must have no openings to the street so as to accommodate walk-in traffic.
- (3) Gasoline pumps accessory to principal permitted uses.
- (4) (Reserved)
- (5) Refuse containers.
- (6) Storage incidental to a permitted use.
- (7) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) (Reserved)
- (2) Car washes.
- (3) Stadiums, arenas and auditoriums.
- (4) Satellite dish antennas.

[(5) Solar collection equipment.]

Section 17. Subdivisions B. and C. of Section 375-76 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-76. M-1 General Industrial District.

B. Accessory uses shall be as follows:

- (1) Docks.
- (2) Offices.
- (3) Propane tank installations.
- (4) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) (Reserved)
- (2) Animal crematorium.
- (3) (Reserved).
- (4) Composting.
- (5) Drive-in theaters.
- (6) Gas manufacture.
- (7) Incinerators/waste-burning facilities.
- (8) Junkyards, subject to the following additional standards:
 - (a) Location: not less than 200 feet from any residential district or C-O, C-1 or C-2 Commercial District.
 - (b) Enclosures: A fully enclosed building or buildings shall be provided for the housing and treatment of all paper, rags, cloth and other fibers.
 - (c) Fencing: All junkyard material and activities not within fully enclosed buildings shall be surrounded by a solid stable fence or wall of acceptable design to be at least eight feet in height, surfaced

so as to be resistant to damage from the elements and from stored materials and erected and maintained in such a manner so as to provide effective screening of the premises. Any gate in such fence shall be similarly constructed and maintained, except that a viewing hole may be left in each gate for the purpose of safety and shall be kept locked at all times when the junkyard is not in operation. Additional screening may be required in the granting of special use permits.

- (9) Petroleum refining.
- (10) Sewage treatment.
- (11) Solid waste management facilities.
- (12) Stadiums, arenas and auditoriums.
- (13) Recycling facilities.
- (14) Satellite dish antennas.
- [(15) Solar collection equipment.]

Section 18. Subdivision C. of Section 375-77 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-77. C-PB Commercial Pine Bush District.

C. Special permit uses shall be as follows:

- (1) Satellite dish antennas.
- [(2) Solar collection equipment.]

Section 19. Subdivisions B. and C. of Section 375-78 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-78. WF-1 Waterfront Residential/Commercial District.

B. Accessory uses shall be as follows:

- (1) Docks or boats.
- (2) Esplanades.
- (3) Launches.
- (4) (Reserved)
- (5) Recreational facilities (parks, playgrounds and tennis courts).
- (6) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

- (1) Marinas.
- (2) Planned unit developments.
- (3) Restaurants, not including drive-in.
- (4) Retail stores (intended to support and enhance residential use).
- (5) Taverns.
- (6) Satellite dish antennas.
- [(7) Solar collection equipment.]

Section 20. Subdivisions B. and C. of Section 375-79 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-79. WF-2 Waterfront Recreational District.

B. Accessory uses shall be as follows:

- (1) (Reserved).

(2) Structures necessary for administration, maintenance or operation of principal permitted uses (not including commercial uses).

(3) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

(1) Commercial uses that are complementary to the operation of principal permitted uses.

(2) Restaurants.

(3) Satellite dish antennas.

[(4) Solar collection equipment.]

Section 21. Subdivisions B. and C. of Section 375-80 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-80. LC Land Conservation District.

B. Accessory uses shall be as follows:

(1) Structures necessary for administration, maintenance or operation of principal permitted uses (not including commercial uses).

(2) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

(1) Cemeteries.

(2) Commercial uses that are complementary to the operation of principal permitted uses.

(3) Cultural or educational facilities.

(4) Outdoor theaters (not including drive-in theaters).

(5) Satellite dish antennas.

(6) [Solar collection equipment.]

Section 21. Subdivisions B. and C. of Section 375-83 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-83. C-SWM Commercial Solid Waste Management District.

B. Accessory uses shall be as follows:

(1) Structures customarily appurtenant to a principal permitted use.

(2) Landfill gas recovery facilities.

(3) Ground-mounted and freestanding solar collection equipment.

C. Special permit uses shall be as follows:

(1) Satellite dish antennas.

[(2) Solar collection equipment.]

Section 22. This ordinance shall take effect immediately.

Council Member Igoe moved to amend Ordinance 3.21.07 as follows and as amended moved for passage and a roll call vote thereon:

Ordinance Number 3.21.07 (As Amended)

AN ORDINANCE AMENDING ARTILCE III (ELECTRICAL LICENSING) OF CHAPTER 171 (ELECTRICITY) OF THE CODE OF THE CITY OF ALBANY

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

Section 1. Sections 171-19, 171-20, 171-32 through 171-39, 171-43 and 171-50 of Article III of Chapter 353 of the Code of the City of Albany is hereby amended as follows:

§ 171-19. Creation and composition of Electrical Examining Board.

There is hereby created the Electrical Examining Board. The Board shall consist of five (5) members, who shall be appointed by the Mayor. The composition of the five (5) members shall be as follows:

- ~~A. The Director of the Office of Planning and Neighborhood Development of the City of Albany.~~
- ~~B. The authorized representative of either the Niagara Mohawk Power Corporation or the New York Telephone Company.~~
- ~~C. The authorized representative of the New York Board of Fire Underwriters, Bureau of Electricity.~~
- ~~D. One (1) licensed master electrician engaged in construction work and employing one (1) or more other electricians.~~
- ~~E. One (1) licensed master electrician who has been licensed continuously by the City of Albany for at least five (5) years.]~~
- A. The Director of the Division of Buildings and Codes.
- B. An authorized representative of National Grid (power utility).
- C. Two (2) master electricians engaged in electrical work, employing one (1) or more electricians, and who has been continuously licensed by the City of Albany for at least five (5) years.
- D. One (1) NYS licensed fire alarm installer, who shall be certified to NICET level 4.

§ 171-20. Terms of office for Electrical Examining Board.

- A. The Director of the [~~Office of Planning and Neighborhood Development~~] Division of Buildings and Codes shall be a member of the Board as long as he holds his position as Director. The remaining members shall serve for terms of three (3) years.
- B. The members constituting such Board first appointed shall hold office for the following terms and until their successors are appointed: two (2) to and including December 31, 1980; two (2) to and including December 31, 1981. The certificate of appointment shall designate the terms of each appointee.
- C. Thereafter, at the expiration of the term for which each member shall be appointed, the Mayor shall fill the vacancy by appointment of the person with the same qualifications of the member whose office has terminated.

§ 171-32. Qualifications for master electrician's license.

- A. Applicants for the master electrician's license examination must meet the following qualifications;

1. They must pay the prescribed fee.
2. They must possess the following training or experience, said experience defined as 1,800 work hours constitutes one (1) year of experience:
 - a. Either seven (7) years' practical experience under the supervision of a licensed master electrician performing work for which an electrical permit is required; or
 - b. A Bachelor of Science degree in electrical power engineering from a four-year program at an accredited college or university and at least three (3) years of practical experience under the supervision of a licensed master electrician, in the performance of electrical work for which a permit is required in the City of Albany; or
 - c. An Associate of Science degree or its equivalent, consisting of a two-year program of study in electrical engineering from an accredited college or university and at least five (5) years of practical experience under the supervision of a licensed master electrician performing electrical work for which a permit is required in the City of Albany; or
 - d. A degree from [~~a recognized~~] an accredited electrical trade school [~~or approved apprentice training school~~] and at least [~~four (4)~~] five (5) years of practical experience under the supervision of a licensed master electrician performing electrical work for which a permit is required in the City of Albany; or
 - e. A certificate from a New York State approved apprenticeship program, with in-service training totaling 5,000 hours and at least two (2) years of practical experience under the supervision of a licensed master electrician performing electrical work for which a permit is required in the City of Albany; or
 - f. A master electricians license issued by another licensing jurisdiction, with evidence that the applicant has continuous practical experience under that license for at least ten (10) years; or
 - g. Such other electrical schooling or training which the Board finds to be substantially equivalent to any of the above plus the requisite number of years of practical experience under the supervision of a licensed master electrician, so that the time of training plus practical experience is seven (7) years. Under this subsection, however, for at least three (3) of the seven (7) years the applicant must have been performing electrical work under the supervision of a licensed master electrician for which a permit would have been required.

B. The Board, by rule or regulation, shall set forth the types of proof required to prove an applicant's qualifications. Under this section, the experience required may have been under an electrician licensed by another jurisdiction whose requirements are substantially similar to those required by this article. Although various forms of proof of training and experience may be found acceptable to the Board, the following are typically considered acceptable:

1. Notarized testimony from a licensed master electrician, listing dates, duration and total hours worked by the applicant.
2. Official school transcripts.
3. Apprenticeship training certificate.
4. Payroll records or pay stubs with hours worked.
5. Copies of an electrical license issued to the applicant by another licensing jurisdiction, along with an itemization of that jurisdiction's requirements for licensing.

6. Copies of approvals of work issued to the applicant from a recognized inspection agency, listing the work performed and the dates completed.

The Board specifically reserves the right to accept or reject any of the above items as substantiation of an applicant's qualification. Any proof of training or experience must clearly identify the applicant and the individual, agency or institution issuing the document. Documents must be accompanied by dates of service, contact information of the individual, agency or institution and the contact information of an individual familiar with the applicant's work or schooling.

§ 171-33. Master electrician's license required.

~~[Unless otherwise provided, no]~~ No person shall contract to or conduct a business to perform any electrical work in the City of Albany for which a permit is required unless ~~[he]~~ that person shall hold a valid master electrician's license or a temporary electrician's license issued by the City of Albany ~~[or an equivalent license issued by another jurisdiction, in which case a temporary master electrician's license must be obtained]~~.

§ 171-34. Issuance of master electrician's license.

Upon certification by the Board that an applicant has met all the qualifications to be issued a master electrician's license or a temporary master electrician's license, the ~~Deputy~~ Director of the ~~[Office of Planning and Neighborhood Development]~~ Division of Buildings and Codes shall issue said applicant a master electrician's license or temporary master electrician's license, as the case may be.

~~§ 171-35. Apprentice training permit required.~~

~~A. — An apprentice training permit must be obtained by all master licensed electricians for each unlicensed person they employ to do electrical work for which a permit is required.~~

~~B. — For the purposes of this section, the words "to employ" shall cover any working arrangement, however termed, including but not limited to corporations, partnerships, joint ventures or associations.~~

§ 171-35. Apprentice and journeyman permits.

The Board of Electrical Examiners may, at its discretion, require the issuance of individual permits for Apprentice and Journeyman electricians working in the City of Albany. The Board shall promulgate the qualifications required, terms under which such permits may be issued and the fees associated with such permits.

§ 171-36. Scope of apprentice training permit. Reserved.

~~An apprentice training permit shall entitle an apprentice to perform electrical work laid out for him by a journeyman electrician while he is on the same premises and is being then and there supervised by a journeyman electrician. Under no circumstances shall a journeyman electrician supervise more than four (4) apprentices.~~

§ 171-37. Qualifications for journeyman permit. Reserved.

~~A journeyman permit may be obtained by any person who meets the qualifications of a journeyman electrician.~~

§ 171-38. Scope of journeyman permit. Reserved.

~~A journeyman permit allows a journeyman electrician to supervise an apprentice electrician as provided in § 171-36.]~~

§ 171-39. Qualifications for temporary master electrician's license.

~~[An applicant for a temporary master electrician's license must present satisfactory proof to the Board that he possesses all the qualifications for an applicant for a master electrician's license. In lieu of passing the examination usually given by the Board, the Board shall accept proof that the applicant is a holder of an electrician's license from another jurisdiction which is substantially equivalent to the master electrician's license issued by the City of Albany.]~~

- ~~A. In lieu of passing the examination given by the Board, an individual may apply for a temporary master electrician's license. The applicant must present to the Board satisfactory evidence that he or she possesses all the qualifications for a master electrician's license as set forth in Section 171-32. In addition the applicant must also:~~
- ~~1. Possess a master electrician's license issued by another licensing jurisdiction whose requirements for licensing are substantially equivalent to those set forth in Section 171-32; and~~
 - ~~2. demonstrate that he or she has performed work continuously under the license issued by the other jurisdiction for a period of not less than ten (10) consecutive years.~~
- ~~B. The Board may accept or reject any evidence of qualification submitted by the applicant. The Board may accept or reject any applicant for a temporary master electrician's license, regardless of the applicant's qualifications.~~

§ 171-43. Insurance requirements.

- A. All holders of master electrician's licenses and temporary master electrician licenses shall carry workmen's compensation insurance, unemployment compensation insurance and disability insurance when required by law.
- B. All holders of such licenses shall furnish proof of bodily injury, public liability and property damage insurance, exclusive of motor vehicles, of not less than one hundred thousand dollars (\$100,000.) for one (1) person injured in any one (1) accident and three hundred thousand dollars (\$300,000.) for more than one (1) person injured in any one (1) accident and property damage insurance of not less than one hundred thousand dollars (\$100,000.) per accident.
- C. Proof of required insurance shall be submitted to the Board at the time of the issuance or renewal of the license.
- D. If a holder of a master electrician's license or temporary master electrician's license be regarded as having an inactive status by the Board, the license holder shall not be obligated to fulfill the above while said license holder is inactive in the City of Albany.

§ 171-50. Electrical permits; inspections.

- A. For work to be done in the City of Albany, it shall be unlawful for any person to contract for, allow or perform the installation of electrical wiring or equipment unless:
1. Prior to any such installation the proper electrical permit is obtained from the Administrator; and
 2. The work is performed by or under the supervision of a licensed or temporarily licensed master electrician.
- B. For the purpose of this article, electrical wiring or equipment shall include but not be limited to the following: electrical conductors; fittings; devices; raceways; signs; fixtures; motors; generators; starters; controllers; controls, motors and related electrical equipment for heating units; that part of elevator or escalator equipment consisting of feeder conductors and raceways to motor and generator disconnect switches and controllers; service, supply equipment and receptacles for trailer connections; and to all electrical equipment used for power supply to radio and television transmitting equipment, unless otherwise provided.
- C. An electrical permit shall be issued only to a licensed or temporarily licensed master electrician.
- D. It shall be unlawful for a person to employ anyone who is not a licensed or temporarily licensed master electrician to perform electrical work for which a permit is required.
- E. It shall be unlawful for any person to make a connection from a source of electrical energy to any electrical wiring, devices, appliances or equipment for the installation, extension or alteration of which a permit is required, until the work has been inspected and approved by an electrical inspector employed by the City of Albany's Bureau of Buildings.
- F. An electrical permit is not required for work described in § 171-49, provided that the work is performed by the person designated in that section as the proper person to perform it.
- G. A final inspection of finished work shall be preformed to close out all electrical permits. If a license holder fails to schedule or arrange for a final inspection of the work, the license holder may be brought before the Board to show cause. If it is determined that the license holder cannot provide adequate cause for failure to close out the permit, the license may be revoked or suspended. If through no fault of the license holder, the inspector cannot gain access to the premises to inspect the work, the property owner shall be required to allow entry to perform the inspection.
- H. The City of Albany will apply the standards set forth by the most current addition of the National Electrical Code when conducting inspections.

Section 2. Except as herein amended, Chapter 171 (Electricity) of the Code of the City of Albany is hereby ratified, continued and approved.

Section 3. This ordinance 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, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Timmons

Affirmative 13 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 Herring offered the following, which was referred to the Planning, Economic Development and Land Use Committee:

Resolution Number 6.12.08R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF AUSEKLIS KRUMINS AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter re-appointed Auseklis Krumins as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Auseklis Krumins be confirmed as a member of the Historic Resources Commission for a term of office to expire December 31, 2010.

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

Resolution Number 7.12.08R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF DOUGLAS P. MACKEY AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter re-appointed Douglas P. Mackey as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Douglas P. Mackey be confirmed as a member of the Historic Resources Commission for a term of office to expire December 31, 2010.

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

Resolution Number 8.12.08R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JOHN MYERS AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter re-appointed John Myers as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that John Myers be confirmed as a member of the Historic Resources Commission for a term of office to expire December 31, 2010.

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

Resolution Number 9.12.08R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF SEAN M. RAFFERTY AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter re-appointed Sean M. Rafferty as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Sean M. Rafferty be confirmed as a member of the Historic Resources Commission for a term of office to expire December 31, 2010.

Council Member Conti asked and received majority consent to add Resolution Numbers 10.12.08R, 11.12.08R, 12.12.08R, 13.12.08R, and 14.12.08R to the pending agenda, which was approved by unanimous voice vote.

Council Member McLaughlin, Calsolaro, Casey, Conti, Ellis, Fahey, Herring, Igoe, O'Brien, Rosenzweig, Sano, Scalzo, and Timmons moved for passage and a roll call vote thereon:

RESOLUTION NUMBER 10.12.08R(MC)

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING FROM THE NEW YORK STATE DEPARTMENT OF STATE, LOCAL WATERFRONT REVITALIZATION PROGRAM ON BEHALF OF THE USS SLATER FOR DESIGN, ENGINEERING, PERMITTING AND CONSTRUCTION OF A PERMANENT MOORING FACILITY FOR THE USS SLATER

RESOLVED, that the Mayor of the City of Albany be and he is hereby authorized to submit an application for funding from New York State Department of State, Local Waterfront Revitalization Program in an amount not to exceed \$668,775 in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and upon approval of said request to enter into and execute a project agreement with the said department for such financial assistance to the City of Albany on behalf of the Destroyer Escort Historical Museum/USS Slater for design, engineering, permitting and construction of a permanent mooring facility for the USS SLATER.

BE IT FURTHER 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, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Timmons

Affirmative 13 Negative 0 Abstain 0

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

RESOLUTION NUMBER 11.12.08R (MC)

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF RAYMOND F. JOYCE, JR. AS A MEMBER OF THE PLANNING BOARD

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter re-appointed Raymond F. Joyce, Jr. as a member of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that Raymond F. Joyce, Jr. be confirmed as a member of the Planning Board for a term of office to expire December 31, 2010.

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

RESOLUTION NUMBER 12.12.08R (MC)

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JOSEPH RAY AS A MEMBER OF THE BOARD OF ZONING APPEALS

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter re-appointed Joseph Ray as a member of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that Joseph Ray be confirmed as a member of the Board of Zoning Appeals for terms of office to expire December 31, 2010.

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

RESOLUTION NUMBER 13.12.08R (MC)

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF SUSIE TUCKER-ROSS AS A MEMBER OF THE BOARD OF ZONING APPEALS

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter re-appointed Susie Tucker-Ross as a member of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that Susie Tucker-Ross be confirmed as a member of the Board of Zoning Appeals for terms of office to expire December 31, 2010.

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

RESOLUTION NUMBER 14.12.08R (MC)

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ANN MARIE DEMARCO AS A MEMBER OF THE PLANNING BOARD

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter re-appointed Ann Marie DeMarco as a member of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that Ann Marie Demarco be confirmed as a member of the Planning Board for a term of office to expire December 31, 2009.

Council Members Scalzo and Herring asked for passage and roll call vote thereon on Resolution Number 70.111.07R (**RESOLUTION OF THE COMMON COUNCIL APPOINTING RONALD**

M. FLAGG AS A MEMBER OF THE CITIZENS' POLICE REVIEW BOARD) which ad been previously introduced:

Resolution 70.111.07R 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, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Timmons

Affirmative 13 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 McLaughlin 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, 2009, AND WAIVED THE READING OF THE NAMES:

Albany County Department of Management & Budget, 112 State Street, Albany, NY 12207

Benson-Moore, Charlene
Bulmer, Bridget
Carcia, Heather
Craig, Mary
Davis, Jenifer
DiLella, Anthony
Hood, Donna
Maloy, Amparo
Muggenburg, Elizabeth
Murray, Christina
Parker, Susan
Williams, Louis

ADJOURNMENT

Council Member Conti requested that Council Members Fox and Smith 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 24th, 2008

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