

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

**Thursday, February 19, 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, Conti, Ellis, Fahey, Fox, Herring, Igoe, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons.

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

Council Member Herring led the Pledge of Allegiance.

**Council Member Conti made a motion to change the order of business to consider Resolution 24.22.09R, which was approved by unanimous voice vote.**

Council Members Timmons, McLaughlin, Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons introduced the following, asked for passage and a roll call vote thereon:

**RESOLUTION NUMBER 24.22.09R**

**RESOLUTION COMMEMORATING BLACK HISTORY MONTH 2009 AND HONORING  
THE EXTRAORDINARY CONTRIBUTIONS OF AFRICAN-AMERICANS TO THE NATION AND  
THE CITY OF ALBANY.**

**WHEREAS**, African-Americans have provided much labor, intellect, creativity, strength and leadership that has made the United States of America a great place to live and a leader in the attainment of freedom and justice in the modern world, and

**WHEREAS**, African-Americans have also supplied much of the labor, intellect, creativity, strength and leadership that built the City of Albany and its many neighborhoods and communities since colonial times and played a major role in the justice and freedom seeking activities of the Underground Railroad, and

**WHEREAS**, the extraordinary role of African-Americans in the nation as a whole and Albany in particular has too often been overlooked by both well-meaning individuals and those blinded by the legacy of racism left in the wake of our nation's history of slavery and bondage, and

**WHEREAS**, despite the many obstacles placed in the way of generations of African-Americans, they have proven their ability to keep the dream of freedom and racial justice alive by constantly striving to overcome those who would limit their educational and economic opportunities by restricting their choices and limiting their options through the use of Jim Crow laws, poll taxes and other restrictions, and

**WHEREAS**, the sacrifices and successes of those many generations of African-Americans led to the establishment of churches known for their religious leadership, the founding of historically black colleges and universities responsible for educating millions throughout the nation, entrepreneurs who have created thousands of jobs, and the flourishing of a rich cultural and artistic heritage that has contributed greatly to our nation and beyond, and

**WHEREAS**, efforts to restrict the rights of African-Americans have continued to this day and the struggle against racism remains a crucial battle throughout our nation generally and the City of Albany specifically that is directly relevant to our communities, and

**WHEREAS**, the intellect, creativity and leadership of African-Americans throughout the City of Albany's history remains a largely untold story and it is important for all residents of our City to become familiar with it, and

**WHEREAS**, Black History Month celebrations raise awareness and have proven to be valuable tools in drawing attention to contributions made by African-Americans to the United States, and

**WHEREAS**, it is important for the Common Council, as the legislative body that represents all residents of the City of Albany to commemorate the valuable contributions of African-Americans to the city and the nation, and

**WHEREAS**, leadership and specifically African American leadership has been redefined in the this country and this role has historical significance with the inauguration of President Barack Hussein Obama as the first African American President of the United States, and

**WHEREAS**, this national and international leadership milestone is symbolic of African American leadership, past and present in the City of Albany as evidenced by **Betty J. Barnette**, the first African American to hold a city wide elected office when she was elected as City Treasurer, a role she has served since 1990, and

**WHEREAS**, the following persons have served as members of the Albany Common Council, **Arthur Scott** - 2nd Ward, 1982-1989; **Nebraska Brace**, 3<sup>rd</sup> Ward, 1978- 1989; **Sarah Logan** - 3<sup>rd</sup> Ward, 1990- 1993; **Keith St. John** - 2<sup>nd</sup> Ward, 1990-1997; **Shirley Foskey** - 5<sup>th</sup> Ward 1993-2005; **Sarah Curry-Cobb** - 4<sup>th</sup> Ward, 1994-2005; **Michael Brown** – 3<sup>rd</sup> Ward, 1994 – 2005; and

**WHEREAS**, the 1<sup>st</sup> Ward recognizes **Regina Goodbee** for her example to her community through involvement in the democratic process. She has been actively involved in the political process working for the betterment of the City of Albany and her neighborhood. She has served as a Democratic Committee member since 2002; as Ward Leader since 2006 and as Deputy Ward Leader from 2004-2006; and as Secretary of the Albany City Democratic Committee since 2007. She founded the Hurlbut Street Block Association in 2001 and began having block parties in that neighborhood. In addition, she has also served her community and the City of Albany in the following capacities: Albany County Department of Social Services, Mixed Bowling League President 1996-2000, Albany County Department of Social Services, Mixed Bowling League - Vice President 1993-1996, Albany Judo Club - YMCA, Coordinator Special Events, 1994-1995, Democratic Woman of the Legislature, Treasurer, 1995-1996, Albany Pop Warner, Volunteer 1994-1996 Season, NYS Assembly Coordinator - Food Pantries for the Capitol District 1995-2000, Commission on Parks and Recreation - Albany City Hall 1997, Albany County Senior Services (Meals on Wheels) – 2004 – 2007, New York State Museum (Volunteer) 2003 – 2007, Equinox Thanksgiving Dinner – 2000 – present, Albany Institute of History and Art 2005 – present, Board Member - Community Accountability Board (CAB) and Juvenile JCAB for Albany County District Attorney's Office 2007 – present. She was also the proprietor of the Smarty Pants Children Outlet, Ltd. on South Pearl Street. Regina currently serves as Deputy City Clerk; and

**WHEREAS**, **Linda Mallory-Mitchell** has been a long time resident of the South End of Albany. She recently left a 22-year career with the Albany Public Library to join the Albany City School District as a Pupil Personnel Assistant and presently Teacher Assistant at Giffen Memorial Elementary School. She has directed the New Life Recovery Choir and Rebirth Recovery Choir for adults who were affected by drugs or alcohol. For ten years Linda has been the choir director for the Albany Housing Community Choir which serves low income and youth. Under Albany Housing, Linda has produced a CD of the songs she wrote for the Albany Housing Community Choir. She is a member of the Board of Directors of Two Together, Inc., an after school literacy program for children. She is currently the choir director for Giffen Memorial Community Choir, a morning outreach program. Linda is also the choir director of First Israel AME Church. In 2004 Linda created a program called Keys for Kids, giving children an opportunity to learn and appreciate music. In 2008 the name

was changed to Capital District Keys for Kids. It is a seasonal not-for-profit program open to children 7-15 in the Tri-Cities area. At the end of a 12-week program taught by volunteers from the community, the children showcase what they have learned at a recital. Capital District Keys for Kids was incorporated in 2008 and in 2009 filed for not-for-profit status. She has enrolled 250 students in the last five years. The last three years the children have had a recital at the New York State Museum. The next recital is April 3, 2009 at the New York State Museum Terrace Gallery. The students have also performed at the North Swan Street Project, the African American Family Day, and the Maria College Commencement Service. The program has received a New York State Community Distinction Award in 2009. The 2<sup>nd</sup> Ward is privileged to have the opportunity to honor Linda Mallory-Mitchell; and

**WHEREAS**, the 3<sup>rd</sup> Ward proudly recommends **Arlene C. Way**, President & Chief Consultant for Transform Performance Solutions, LLC for special recognition during Black History Month. Arlene was a Program Officer with the New York State Education Department, Office of Higher Education/K-16 Initiatives & Access Programs for over 18 years, guiding its major pre-collegiate, school dropout prevention program: the Liberty Partnerships Program (LPP). LPP was created as a legislative response to New York State's school dropout rate. LPP is an integral part of the New York State Education Department Office of Higher Education's strategy to close the performance gap among at-risk youth enrolled in grades 5-12. This \$11 million initiative makes grants to higher education institutions committed to results-based collaborations with schools, parents and other local stakeholders in urban, rural and suburban communities. Prior to joining the State Education Department, Arlene worked with programs that extended human services outreach, education and professional development opportunities to populations that included: migrant and seasonal farm workers, prison inmates, disadvantaged high school and college students and families of urban pre-school children. Arlene holds a Masters Degree in Educational Administration and Supervision from the State University College at New Paltz and post graduate study at the State University at Albany in Higher Education Administration and Public Policy. Her avocation is to facilitate pathways that connect the healthy development of youth to higher education and New York's agenda for economic and community development. A native of New York City, Arlene is a proud member of the Arbor Hill Community where she is active in the ministries of the Metropolitan New Testament Mission Baptist Church. She serves Arbor Hill as President of the Arbor Hill Neighborhood Association, President of the Board of Directors of the Arbor Hill Development Corporation and represents Arbor Hill as a member of the Taskforce for Vacant & Abandoned Buildings. Arlene continues to extend her services to the Office of K-16 Initiatives & Access Programs in support of educational/workforce development initiatives for at-risk youth; and

**WHEREAS**, **Beverly Padgett** has been a resident of Arbor Hill for the past thirty years. Ms. Padgett's amazing energy and passionate commitment to making Arbor Hill a better place to live have made a real difference and continue to make a difference every day in our community. Long before President Obama encouraged people in the United States to get involved in service, Ms. Padgett was doing the work and doing it voluntarily without compensation. She has contributed to the community in countless ways through her active civic engagement and she has likewise strengthened the community as a homeowner and as an involved parent of three children. She is also the grandmother of fifteen children. Ms. Padgett participated in the two year Arbor Hill community development planning process which began in 2001. This planning process resulted in the Arbor Hill Neighborhood Plan, the city's first initiative of this kind. Ms. Padgett's particular focus during the planning process was upon public safety and quality of life issues. Ms. Padgett can always be depended upon to make the phone calls, knock on doors, prepare the minutes, watch over young people, gather donations for community events, and when needed set up her grill and cook the hamburgers and hot dogs. The following are a few examples of Ms. Padgett's accomplishments: In 1998 she received an award from the Frank Chapman Memorial Institute for Building Bridges within our Community through After School programs; In 2000 she received recognition from the Capital District Field of Dreams for her dedication to the recreational youth programs in Arbor Hill; In 2001 she was authorized as a Non-Governmental Official by the United Nations to attend the World Conference against Racism in Durban, South Africa; In 2002 she served on the Albany County Minority Asthma Partnership Committee. In the same year Ms. Padgett also published a series

of articles about the plight of the Arbor Hill community as a Guest Columnist for the *Urban Voices* newspaper; In 2003 she served on the New Covenant Charter School (NCCS) Board of Trustees; In 2004 she facilitated the planning, organizing and implementation of the “Listening to Youth Forum” a youth focused debate for all candidates who ran for the office of Albany County District Attorney; In 2005 she facilitated the planning, organizing and implementation of the “Listening to Youth Forum against Violence,” a speak-out for young people. In 2005 she also facilitated the planning, organizing and implementation of the “Walk and Rally for Change and Hope” in communities of Albany where violence too often occurs; During 2005 and 2006 she participated in the Positive Access to Home (PATH) Program, co-sponsored by the Albany Police Department for Livingston Middle School students. For three years Ms. Padgett was an active member of the Albany Youth Task Force and she is currently a member of Community United for Quality Education. One of her most significant contributions has been to establish and build the Arbor Hill Neighborhood Association. For three years she held the position of Recording Secretary of the Association and then became the Interim Chair in 2007. As Interim Chair Ms. Padgett played a major role in planning, organizing and implementing the hugely successful 2008 Arbor Hill Block Party on North Swan Street, co-sponsored by the City of Albany and the Albany Housing Authority, and which celebrated the rebuilding and revitalization of the community. Appropriately, with this year’s Black History Month celebration’s focus upon elected officials, in 2006 Ms. Padgett was elected to serve her first term on the Democratic Committee in the Fourth Ward and was re-elected in 2008. The **4<sup>th</sup> Ward** nominates Beverly Padgett as she is a woman who understands that the only way to change things for the better is to make a personal commitment, often at great sacrifice, to get involved and to do the work, and sets an example for all of us; and

**WHEREAS**, the **5<sup>th</sup> Ward** applauds the commitment and service of former Albany Common Council Member **Shirley Foskey**. Shirley served as a Common Council member for 12 years and during that time introduced legislation to penalize gun store owners’ unlawful sale of firearms, sponsored legislation to have an independent civilian police review board for fairer oversight of the Police Department, sponsored legislation to install video cameras in all City of Albany police cars to record all arrests and traffic stops, sponsored legislation to create a Commission on Human Rights to ensure that all residents of the city are safeguarded from discrimination in violation of state and local law, co-sponsored a resolution urging the employment of inner city residents, racial minorities and women as part of the proposed Albany Convention Center, and co-sponsored an ordinance to provide for a living wage, to ensure that employees of substantial city contractors earn an hourly wage sufficient for a family to live at or above the federal poverty guideline. She chaired the Public Safety and Human Resources Committees and served on the Health and Environment, Council Operations and Ethics, Housing and Neighborhood Development, Law, Buildings and Code Enforcement, Finance, Land and Recreation and Public Works Committees. She is a graduate of the Albany Public Schools and works as an Administrative Support Associate in the Cardiology Division of Albany Medical College. Prior to that she was an Urban Loan Coordinator at Key Bank building bridges between minority as well as low-income people and the impersonal banking system in the area of mortgages. She is a member of the Union Missionary Baptist Church serving as Youth Choir Director and Past President of the Deaconess Board and Adult Choir. She is a former board member and past head consul of the Albany Capital Region American Institute of Banking, promoting education for employees and better bank relations. She is a past board member of the Adolescence Employability Skills Plus Program, Inc., the Albany Center for Economic Success, and the Institute of Empowerment. She has received the Union Mission Baptist Church Recognition of Outstanding and Dedicated Christian Service to Church, Family and Community; the Muhammad’s Mosque and Community at Large Appreciation Award for years of service and devotion to the community; Adolescent Employability Skills Plus Program, Inc. Outstanding Service Award for Support for the needs and concerns of the A.E.S.P.P.; West Hill Ministerial Fellowship/Shalom Ministries Certificate of Appreciation in Recognition of Dedication, Service and Commitment; and the SUNY Youth Leadership Award for Outstanding Services. Shirley is a loving wife and mother of two; and

**WHEREAS**, the Reverend Dr. Edward B. Smart was appointed pastor of the historic First Israel AME Church at 381 Hamilton Street in 2004. During his tenure Pastor Smart has helped usher in a period of renewed

spirituality and ministry at First Church under the themes of “Leadership for Discipleship”, “Can You Hear Me Now”, “Making a Difference”, and “Building the Temple”. In particular, Pastor Smart started an eight week summer day camp for youth which has received neighborhood support and opened the Grace T. Green Library in a building next to First Israel’s Hamilton Street sanctuary. During his time at First Israel, Pastor Smart and his wife Marion have reached out and become a part of the Hudson/Park neighborhood, making First Israel’s Fellowship Hall available for neighborhood association meetings and supporting neighborhood events. In 2007, Pastor Smart received the Hudson/Park Neighborhood Association’s “Blue Moon” award in recognition of his contributions to the community. Pastor Smart has been a visible presence in the Capital District community on issues of gun violence, youth services and economic justice. He is actively involved in the Capital District community as Financial Secretary for African American Clergy for Empowerment, he served as Vice-Chair of the City of Albany Gun Violence Task Force, is a member of the Executive Board of FOCUS Churches, serves on the executive committee of ARISE and is a board member of the Labor-Religion Coalition. Pastor Smart is also an appointed member of the Citizens’ Police Review Board and the City of Albany Water Board. Before arriving at First Israel, Pastor Smart provided leadership at the prestigious St. James AME Church in Atlantic City and also served at Israel Memorial Church in Newark, NJ. Pastor Smart attended Fisk University, where he was a Fisk Jubilee Singer, he is a graduate of Penn State University and Lutheran Theological Seminary and holds a joint masters and Doctorate from Reading University. Pastor Smart has set an example of constantly giving back to the community in so many ways and by that example he has challenged others, individuals and businesses, to give back some of the benefits they have attained to those in need. First Israel AME Church is an institution rich in history, but through Pastor Smart’s leadership it is also living and growing institution that gives back to the community. It is for those reasons that the **6<sup>th</sup> Ward** recognizes Pastor Smart’s contributions; and

**WHEREAS**, the **7<sup>th</sup> Ward** is proud to nominate and honor **Paul Stewart** during Black History Month for his many years of exemplary community service. Paul was born in Illinois and raised in the Chicago area. He came to Albany in 1972 to attend State University of New York at Albany, graduating cum laude with a Bachelor’s Degree in 1974. He later received a Masters degree from Loyola University of Chicago in 1981. In nearly all of his work life he has been involved in community concerns and social change. Paul and his family purchased a home in Albany in 1984. Since that time he has been employed by Catholic Family Services as director of Parish and Community services, Albany County Opportunity as Associate and Executive Directors and the Capital District Community Loan Fund where he presently works as Manager of Training and Technical Assistance for small businesses. As an active community member Paul has maintained membership in the Delaware Avenue Neighborhood Association, and the Capital Area Council of Churches Martin Luther King Scholarship Committee. He has also been active in the PTA, twice receiving awards for his service. His interest in African American history led him to co-found the Underground Railroad History Project of the Capital Region, an educational organization that researches, preserves and celebrates the Capital Region’s Underground Railroad history with an emphasis on African American abolitionists and freedom seekers, he has made original discoveries on Albany’s history and leads a campaign to restore an Underground Railroad historic site. Together with his wife Mary Liz he has received numerous awards for his preservation work including the national recognition of the Underground Railroad Free Press Prize for preservation in 2008. He also serves on the board of the Albany County Historical Association. Paul and his wife have four children; and

**WHEREAS**, the **8<sup>th</sup> Ward** is privileged to have the opportunity to honor **Kimberly Young Wilkins**. Kimberly was born in the City of Albany and graduated from Regents College in 1989 with a Bachelor’s of Science in History and the State University of New York at Albany with a Masters Degree in Secondary Education-Social Studies. She began her career in education in the Albany City School District in 1989 as an adult education teacher at the Adult Learning Center. During her tenure at the District, she has worked as a Coordinator for Project Momentum, a social studies teacher at Albany High School, Assistant Principal at Phillip Livingston Magnet Academy, and Principal at School 16 and currently serves as Principal at Stephen and Harriet Myers Middle School. She has also served on numerous boards in the community including: the Junior League of Albany (1991-1997); Urban League (1992-1994); Big Brothers/Big Sisters (1996-1998);

Parson's Center (1998-2000); and the Albany United Methodist Society (2001-present). Mrs. Wilkins is an active member of The Links, Inc., Jack & Jill, Inc., Delta Sigma Theta Sorority, Inc., and a sustaining member of the Junior League of Albany. In all of her community work, she has made a point to be involved in some aspect of providing quality services and education for the youth of the City of Albany; and

**WHEREAS**, Lela Wallace is a product of the City of Albany Public School system graduating from Albany High School in 1957. Lela received her Associate's degree from SUNY Cobleskill, her Bachelor's Degree from Russell Sage, and her Master's degree from SUNY Albany. She began her career in public service in 1974, teaching at School #19 (New Scotland Elementary School after completing her student teaching there. She has taught grades one, two and three, but has focused on first grade in order to inspire young students to love learning and to provide them with a strong foundation in the fundamentals. She has also been a Sunday School Teacher for over 45 years and has established a reading and literacy program at her church the Metropolitan New Testament Mission Baptist Church. Lela Wallace has been listed in Who's Who of American Teachers (1998, 2000, and 2004); was the first black teacher to receive the Honorary Life Membership Award from School #19; has been featured in numerous Times Union articles and on television; and numerous students have chosen her in their winning essays for Black History Month. The 9<sup>th</sup> Ward is proud to nominate Lela Wallace for her outstanding contributions to the children of Albany; and

**WHEREAS**, the 10<sup>th</sup> Ward nominates Iona Scarville-Ross, a dedicated community volunteer in the City of Albany. Iona was born in Guyana and came to America in 1972. She moved to Albany in 1996 and began working in the child care community. Desiring to serve children and families in need she opened her own family day care in 2003, Shakendreland. She is not only a day care provider to her families but also a resource for information and provides 24 hour care if needed. Iona strives to provide loving, safe, quality child care for her community. She also hopes to become a foster mother for children in need. She also works at Albany Medical Center in the patient care department and volunteers at Trinity Institute and the Arbor Hill Community Center and Food Pantry. She has committed to make the world a better place for families and does so in small ways each day. She is the loving mother of four children and is also a grandmother; and

**WHEREAS**, the 11th Ward proudly recognizes John Tucker as our Outstanding Citizen during Black History Month 2009. As a long time activist and advocate of equal rights for all citizens of this community, Mr. Tucker was untiring in his efforts and is truly deserving of this honor. Mr Tucker served in a variety of positions from Democratic Committee person in the 3rd Ward to the Albany County Legislature. He consistently gave voice to the needs and concerns of those he served. The recent events of national significance have their roots in the efforts of men and women like John Tucker. Our community owes him and those like him a sincere debt of gratitude; and

**WHEREAS**, the 12<sup>th</sup> Ward is proud to recognize and honor Ms. **Vibetta Sanders**, the principal of the Pine Hills Elementary School on North Allen Street in Albany. Ms. Sanders has actively supported the efforts of the Pine Hills Elementary School faculty in their work with students, which includes recognizing the accomplishments of African Americans. She has accomplished this in such diverse and creative ways as sharing her collection of authentic ethnic African artifacts as well as power point presentations and personal mementos of her many trips to Africa. Ms. Sander's educational accomplishments include two Masters Degrees (one in Social Work and one in Educational Administration and Policy Studies) as well as a Certificate of Advanced Studies in Educational Administration and Policy Studies. In 2002 she was recognized as a Distinguished Alumni of the University at Albany School of Social Welfare and was selected to be a Principal-in-Residence with the NYC Leadership Academy. Professionally, Ms. Sanders has worked in the field of education since 1986, having begun her career as a Social Work with residentially placed emotionally disturbed girls in Queens New York. She is the mother of three young adults. She has a unique ability to see potential in all children. Her personal philosophy is that we are here to help every child reach their full potential, even when they don't know what it is, and resist our support. We must still hold them to high expectations of themselves and continue to expose them to many possibilities in life. As an elementary school principal she believes that it

is the responsibility of educators in partnership with parents to plant the seeds of learning. Seeds that will grow with nurturing and time, that will germinate and blossom into strong confident healthy adults that contribute to betterment of our world; and

**WHEREAS**, we are fortunate to have Dr. Mars Hill residing in the 13<sup>th</sup> Ward and believe he is most deserving of this honor. He is an accomplished author of plays, poems, short stories and books. His novel, “The Moaner’s Bench” was nominated for the Pulitzer Prize. He founded and directed the Black Experience Ensemble, Inc. After submitting a poem for the inauguration of our President Barack Obama, he received an invitation to the ceremony. He has received awards from the Albany District Links, the Albany League of Arts, the Albany N.A.A.C.P., the New York State Council on the Arts, and the Empire State Black Arts Festival. Dr. Hill was born in Arkansas and received a Bachelor’s of Arts in Architectural Engineering from the University of Illinois and a Masters Degree in African American Studies from the State University of New York at Albany as well as a Doctorate of Arts in Humanistic Studies. He retired after 25 years from the NYS Department of Transportation where he worked as an engineer. Dr. Hill is married to Alvania Hill and they have one son, Joffrey, and two grandchildren; and

**WHEREAS**, the 14<sup>th</sup> Ward nominates **Charlie Harvey**, who has a lifetime of service to the public. Mr. Harvey received has B.S. in Business Administration in 1972 from the North Carolina Agricultural and Technical State University and his Masters of Business Administration in 1976 from Long Island University. He began his career in public service with Central Brooklyn Model Cities interviewing applicants for job and training programs and then worked as their Community Associate assisting the Personnel Director in finding employment and training for the program participants. He later worked as a Public Management Intern in the NYS Department of Civil Service and the NYS Department of Agriculture and Markets. After serving as an Associate and then Senior Personnel Administrator with Agriculture and Markets, he became an Assistant and then Director of Personnel with the NYS Department of Correctional Services. Charlie is now the Director of the Office of Diversity Management at the Department of Correctional Services. He supervises and directs the Department’s polices and procedures relating to equal employment opportunity for minorities, women, disabled persons and Vietnam Era Veterans in all of its programs and services. He serves as the Chairman of the Deacon Ministry of the Metropolitan New Testament Mission Baptist Church and on the Empire Baptist Missionary Convention’s Laymen’s Auxiliary; and

**WHEREAS**, **Solomon (Sy) Jenkins III** is an Ordained Deacon in the Mt. Cavalry Baptist Church in the City of Albany serving God and spreading his word. Sy served our Nation as a U.S. Marine during the Vietnam era. Sy worked at General Electric in CR&D product & system design and project management for both domestic and international clients. He received a patent and numerous awards for his designs. During his employment with General Electric he had the benefit to share in the engineering of several noteworthy products, including: the nation’s first prototype coal gasification combined cycle plant, coolwater combined cycle plant in California; the world’s largest combined cycle facility in Oswego, New York; the nation’s first waste tire-to-energy plant in California; the nation’s first IPP/Cogeneration plant with a zero discharge water treatment system, in Rhode Island; and the Tokyo Electric Power Company Yokohama Advanced Combined Cycle Thermal Power Station. He has served his community in the following capacities: working through the General Electric Program to Increase Minority Engineering Graduates and with the Union College STEP career counseling program; serving as Vice-President of Development and Education Consultant and Mentor for 100 Black Men of NY Capital Region; as a member of the Diversity and Outreach Committee of the American Cancer Society; serving on the Executive Board as well as the Veteran Affairs Committee of the NAACP Albany New York Branch; and as a board member of the Friendship House of the Friendship Baptist Church in Schenectady, New York. He is married to Minister Betty Jenkins and together they have put three children through college; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany Common Council, acting on behalf of all the people of the City of Albany, hereby commemorates February 2009 as Black History Month, and pauses in its deliberation to honor the sacrifices and contributions made by African-Americans.

**BE, IT FURTHER, RESOLVED**, that the Common Council honors Regina Goodbee, Linda Mallory-Mitchell, Arlene Way, Beverly Padgett, Shirley Foskey, Reverend Dr. Edward Smart, Paul Stewart, Kimberly Young Wilkins, Lela Wallace, Iona Scarville-Ross, John Tucker, Vibetta Sanders, Dr. Mars Hill, Charlie Harvey, and Solomon Jenkins in recognition of their leadership, service, and contributions to civic life throughout the City of Albany.

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

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

Affirmative 13 Negative 0 Abstain 0

**PUBLIC COMMENT PERIOD**

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Ghost Tickets)
2. Tom Scarff, 175 Jay St. Albany, NY 12210 (Public Servant Accountability)
3. Tom Ellis, 43 N. Pine Ave., Albany, NY 12208 (Capital Region SWM Partnership/SWMP Steering Committee)
4. Vincent Riguso, 13 Beach Ave., Albany, NY 12208 (Ordinance 77.121.07)

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

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

DEFERRED

**CONSIDERATION OF LOCAL LAWS**

Common Council Member Calsolaro asked for passage of LOCAL LAW F – 2008 (A LOCAL LAW AMENDING ARTICLE X (RESIDENTIAL HOME SECURITY) OF CHAPER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO WINDOW SECURITY), which had been previously introduced.

*Note: There was discussion from Council Member Calsolaro regarding having met with landlords and Albany Fire Chief Forezzi where it was decided to require pins for windows and lowering the requirement to 4 inches.*

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

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

Affirmative 13 Negative 0 Abstain 0

Council Member Conti asked for passage of LOCAL LAW L – 2008 (A LOCAL LAW AMENDING CHAPTER 90 (TRAFFIC VIOLATIONS BUREAU) OF THE CODE OF THE CITY OF ALBANY), which had been previously introduced.

*\*Note: There was discussion from Council Member Conti stating that this legislation would require quarterly reports and written policies within the Parking Violations Bureau.*

*Local Law L-2008 was Co-Sponsored by Council Members Calsolaro, Ellis, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons.*

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

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

Affirmative 13 Negative 0 Abstain 0

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**

**Law, Buildings and Code Enforcement** – Council Member Igoe stated that the committee met on February 10, 2009 to discuss Local Law F-2008 and Ordinance 72.122.08, which was voted out of committee favorably. Ordinance 77.121.07 was held for further discussion.

**Planning, Economic Development and Land Use** – Council Member Herring stated that the committee met on February 11, 2009 following caucus to discuss Resolution Number 9.11.09R (Norman Rice appointment to HRC), Resolution Number 10.11.09R (Michael Yevoli appointment to the Albany Convention Center Authority), which were voted out of committee favorably. The Committee viewed a Power Point Presentation on the Proposed Albany Convention Center from Mr. Duncan Stewart, Exec. Dir./CEO, Albany Convention center Authority (ACCA).

**General Services, Health and Environment** – Council Member O'Brien stated that Council Member Smith has been soliciting people to be part of a steering committee regarding the Arbor Hill pedestrian bridge. He stated that the minutes from the Solid Waste Committee would hopefully be posted on the landfill website. Council Member Igoe had questions regarding the funding for the bridge. Council Member O'Brien was unsure and Council Member Calsolaro stated that the estimated cost is \$1.9 million.

**Finance, Taxation and Assessment** – Council Member Sano stated the committee met on February 18, 2009 to discuss Local Law L – 2008, Resolution 27.32.08R (Homeowners and Banks Protection Act), and Resolution Number 41.42.08R (Debt Policy). The Committee favorably recommended all pieces of legislation.

**Parks, Recreation and Family Services** – Council Member Calsolaro stated that the committee would try to set up a date with the Commissioner of Parks and Recreation to get a tour of City owned and operated facilities and programs.

**REPORTS OF AD HOC COMMITTEES**

**Ad Hoc Committee on Cable Access** - Council Member Rosenzweig stated that the committee met on February 17, 2009 with Corporation Counsel to get an update on the city negotiation status with Time Warner. He stated that the Public Safety Commission is involved with the talks and the committee would be looking to schedule another meeting on or around March 17, 2009.

**CONSIDERATION OF ORDINANCES**

Council Member Sano introduced the following, which was held:

**Ordinance Number 19.22.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$5,200,000.00 AND AUTHORIZING THE ISSUANCE OF \$5,200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STATE STREET RECONSTRUCTION)**

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

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

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

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

**Period of Probable Usefulness: 15 years**

**Maximum Term of Obligations: 15 years**

**Maximum Estimated Cost: \$5,200,000.00**

**Maximum Amount of Bonds: \$5,200,000.00**

**Comptroller's Bond Authorization Numbers: Q-09**

**Comptroller's Project Numbers: GH 50109918**

**Section 2. The plan of financing such objects or purposes is the issuance of \$5,200,000.00 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 February 19, 2009 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.**

*\*Note: Please refer to Resolution Number 19.22.09 for Section 3 thru Section 12.*

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

**Ordinance Number 20.22.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$629,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$629,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (REPLACE AND UPGRADE SCHOOL ZONE TRAFFIC SIGNALS**

**)  
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: Traffic signals, traffic signal systems, traffic signs and traffic sign support  
Local Finance Law Section 11.00(a) Subparagraph 72  
Period of Probable Usefulness: 10 years  
Maximum Term of Obligations: 10 years  
Maximum Estimated Cost: \$629,000.00  
Maximum Amount of Bonds: \$629,000.00  
Comptroller's Bond Authorization Numbers: R-09  
Comptroller's Project Numbers: GH 33109919

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$629,000.00 serial bonds hereby authorized to be issued.

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

**Ordinance Number 21.22.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$250,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$250,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (TRAFFIC SIGNALS)**

**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: Traffic signals, traffic signal systems, traffic signs and traffic sign support  
Local Finance Law Section 11.00(a) Subparagraph 72  
Period of Probable Usefulness: 10 years  
Maximum Term of Obligations: 10 years  
Maximum Estimated Cost: \$250,000.00  
Maximum Amount of Bonds: \$250,000.00  
Comptroller's Bond Authorization Numbers: S-09  
Comptroller's Project Numbers: GH 33109920

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$250,000.00 serial bonds hereby authorized to be issued.

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

**Council Member Sano, introduced the following, which was referred to the Finance, Taxation and Assessment Committee:**

**Ordinance Number 22.22.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$530,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$530,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (REPLACEMENT OF PATROL VEHICLES AND EQUIPMENT)**

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

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

Object or Purpose: Motor Vehicles  
Local Finance Law Section 11.00(a) Subparagraph 77  
Period of Probable Usefulness: 5 years  
Maximum Term of Obligations: 5 years  
Maximum Estimated Cost: \$530,000.00  
Maximum Amount of Bonds: \$530,000.00  
Comptroller's Bond Authorization Numbers: T-09  
Comptroller's Project Numbers: GH 31209921

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$530,000.00 serial bonds hereby authorized to be issued.

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

**Ordinance Number 23.22.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$108,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$108,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (REPLACEMENT OF APD SPECIAL USE VEHICLES AND RELATED EQUIPMENT)**

**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: Passenger vehicle other than a school bus  
Local Finance Law Section 11.00(a) Subparagraph 77  
Period of Probable Usefulness: 3 years  
Maximum Term of Obligations: 3 years  
Maximum Estimated Cost: \$108,000.00  
Maximum Amount of Bonds: \$108,000.00  
Comptroller's Bond Authorization Numbers: U-09

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$108,000.00 serial bonds hereby authorized to be issued.

**Council Member Conti asked and received majority consent to add Ordinance Number 24.22.09 to the pending agenda, which was approved by unanimous voice vote.**

Council Member Timmons on behalf of Council Member McLaughlin introduced the following, which was referred to the Human Resources and Human Rights Committee:

**ORDINANCE NUMBER 24.22.09 (MC)**

**AN ORDINANCE AMENDING ARTICLE I (OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAM) OF CHAPTER 48 (EQUAL OPPORTUNITY PROTECTIONS) IMPOSING STANDARDS ON THE EXECUTIVE ADMINISTRATION TO PRIORITIZE ADMINISTRATIVE GOVERNANCE THAT WILL RESULT IN A STATISTICALLY SIGNIFICANT DIVERSIFICATION OF THE CITY OF ALBANY GOVERNMENT WORKFORCE**

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

**Section 1. Section 48-5 of Chapter 48 of the Code of the City of Albany is hereby amended to read as follows:**

**48-5. Establishment and Head of Office.**

A. There is hereby established an Office of Equal Employment Opportunity which is designated to administer this article, with the assistance of the Affirmative Action Advisory and Implementation Team. The head of that Office shall be appointed by the Mayor of the City of Albany and shall hereafter be called the "Equal Opportunity Officer of the City of Albany."

B. There is hereby established an Affirmative Action Advisory and Implementation Team (AAAIT) in the City of Albany to assist the Equal Opportunity Officer in providing equal employment opportunities in the City of Albany.

**Section 2. Section 48-6 of Chapter 48 of the Code of the City of Albany is hereby amended to read as follows:**

**48-6. Powers and Duties of Office.**

A. The Equal Employment Opportunity Office, by and through the Equal Opportunity Officer, shall have the following functions, powers and duties as pertaining to equal employment in City government:

- (1) To establish and maintain an office within the City of Albany.
- (2) To employ such personnel as may be necessary.
- (3) Upon request, to obtain and utilize the services of all City agencies and departments.
- (4) To formulate policies to effectuate the purposes of this article and to make recommendations to agencies and offices of the City of Albany in aid of such policies and purposes.
- (5) To render, in January of each year to the Mayor and to the Common Council a written report of all of its activities and of its recommendations.

(6) To furnish any person with such technical assistance that the Office deems appropriate to further comply with the purposes or provisions of this article.

(7) To provide such reports as may be necessary from time to time as requested by the Common Council.

(8) To review and approve, prior to publication, any form, brochure, application or publication issued or utilized by any City agency or department which contains a statement on nondiscriminatory practices in personnel policies, programs, services or operations of the City of Albany to assure that such statement is in conformance with the provisions of this chapter.

(9) Disseminate information concerning the affirmative action program to all City employees and to post copies thereof in conspicuous places within each department.

B. All complaints of alleged discrimination made in connection with §48-4 of this article shall be filed with the Equal Opportunity Officer. The Office shall endeavor to eliminate such discrimination. Every complainant shall be informed of other avenues of resolution.

**Section 3. A new Section 48-6-a of Chapter 48 is hereby added to read as follows:**

**48-6-a. Affirmative Action Implementation Team.**

A. The Affirmative Action Advisory and Implementation Team shall be composed of seven voting members four of whom shall be appointed by the Common Council and three who shall be appointed by the Mayor. The members shall be residents of the City of Albany and shall be individuals who possess a knowledge or interest in employment related issues and may include representatives of public employers, private employers, labor unions, or minority and women owned businesses. The members shall serve without compensation. The Equal Employment Opportunity Officer shall serve as an ad hoc member of the Team. Each member shall serve a two year term. The Common Council will designate one of the voting members as Chairperson. Vacancies on the Team shall be filled in the same manner as the predecessor to fill the unexpired term.

B. The Advisory and Implementation Team shall:

(1) Assist the City and the Equal Employment Opportunity Officer in implementing the provisions of this Article and monitor the affirmative action program;

(2) Assist the Mayor and the Common Council to insure that they consider diversity when making appointments;

(3) Monitor efforts of the city, county, state and federal government to increase the representation of women and minorities in the workforce;

(4) Research and report on programs used successfully by other municipalities to increase the representation of women and minorities in the workforce and the approximate cost of such programs;

(5) Have the power to request documents from city departments, boards and committees, conduct public hearings, and take any other action it deems necessary to carry out its functions. Every department, office, division, agency or public authority of this city shall cooperate to the full extent possible with the Advisory and Implementation Team and furnish such information and assistance as the Implementation Team determines is reasonably necessary;

(6) Assist individual City departments in achieving goals;

(7) Render in January of each year to the Common Council a written report of all of its activities and its recommendations.

(8) Prepare a “Report Card on the City” in February of each year to measure the progress of women and minorities within the City of Albany workforce and volunteer force. The Report Card shall provide a statistical overview of employment and leadership of each city department, agency, board, commission and committee and the number of women and minorities in the unit compared to the total number of employees or officers. It will maintain this information on a yearly basis to reflect trends, report on successful increases, and demonstrate opportunities for improvement. Its goal is to encourage renewed strides to ensure full and meaningful participation by women and minorities in the city workforce and in city boards and commissions.

C. Neither the Advisory and Implementation Team nor its members shall incur any cost or expense for or on behalf of or payable by the City of Albany without written authorization of the Common Council.

**Section 4. Section 48-7 of Chapter 48 of the Code of the City of Albany is hereby amended to read as follows:**

48-7. Affirmative Action Program.

In order to assure nondiscriminatory recruiting and promotion by the City of Albany, the City of Albany does hereby adopt the following programs and policies:

A. Recruitment and selection.

(1) It is the policy of this City to recruit as many qualified candidates as possible for each available position.

(2) Job announcements shall include a complete description of duties, minimum experience and educational requirements and salary range, if established. Job announcements shall carry the statement "An Equal Opportunity Employer."

(3) Selection procedures will be objectively established to measure relevant job qualification requirements.

(4) All job opportunities will be registered with the New York State Employment Service. In addition, the City will utilize public and private organizations, including but not limited to the following:

- (a) Albany Municipal Civil Service.
- (b) Albany County Civil Service.
- (c) Albany Department of Human Resources.
- (d) High school and college placement services.
- (e) Public and private agencies involved in training the veteran, the disadvantaged or the handicapped for employment.
- (f) Minority groups and women organizations.
- (g) Professional organizations.

(5) Job announcements shall be posted in the City Hall for the benefit of employees and visitors.

(6) Evaluation of any candidate shall in no way reflect race, color, creed, sex, age, national origin, sexual orientation, gender, ancestry, disability, marital or domestic partner status. Whenever possible, every effort shall be made to hire qualified residents of the City of Albany.

(7) It shall be made known to all recruitment sources that qualified minority and women are being sought for consideration for professional, subprofessional and other office work of the City.

(8) Present employees shall be encouraged to refer minority and female applicants.

B. Hiring.

(1) The staff of each City department who make hiring decisions are to be instructed that minority and female applicants for all jobs are to be considered without discrimination.

(2) The staff involved in recruitment are to communicate to all sources that qualified minority members and women are being sought for consideration.

C. Training. Training practices shall be as follows:

(1) Sponsoring and assisting minority and female, as well as others, to enter subprofessional and professional training and making such training available to the maximum extent within the City.

(2) Advocating through City and individual membership in professional associations that these associations adopt programs to encourage more minority members and women to seek careers in City government and providing accurate information on necessary education and future opportunities.

(3) Assuring that the City makes maximum use of apprenticeship and other training to help equalize opportunities for minority and female Albany, New York, residents, by using appropriate steps such as the following:

(a) Sponsoring and assisting Albany, New York, minority and females as well as others to enter training and education programs and making such programs available to the maximum extent within the City.

(b) Actively encouraging minority and female employees as well as others to increase their skills and job potential through participation in training and education programs and helping to assure that such programs are adequate and are in fact available to minority and/or low-income persons.

(c) Actively participating in the establishment and operation of training and education programs.

(d) Participating in training and employment programs in the area, especially those funded by the Department of Labor and/or other public agencies.

(4) Assuring nondiscriminatory placement and promotion within the City by taking appropriate steps such as the following:

(a) Instructing personally those of the City who make decisions on placement and promotion that employees are to be considered without discrimination and that job areas in which there is little or no minority and female representation should be reviewed to determine whether this results from discrimination due to selection requirements and testing not directly related to the job.

(b) Maintaining a file of the names and addresses of each person referred to the City and what action was taken with respect to each such referred worker and, if the worker was not employed, the reasons therefor.

(c) Assuring nondiscriminatory pay, other compensation and working conditions in the City.

(5) Assuring nondiscriminatory demotion, layoff or termination by maintaining a file of the names and addresses of each person who was demoted, laid off or terminated, and the reasons therefor.

D. Promotion. Instruction is to be given to the staff who makes placement and promotion decisions that minority and female employees are to be considered without discrimination.

[E. Office of Equal Employment Opportunity. The Office of Equal Employment Opportunity, through the Equal Opportunity Officer, shall have the following functions, powers and duties as pertaining to affirmative action:

- (1) Monitor the affirmative action program.
- (2) Assist individual City departments in achieving goals.
- (3) Disseminate information concerning the affirmative action program to all City employees and to post copies thereof in conspicuous places within each department.
- (4) Prepare and file the necessary reports.
- (5) Render each year to the Mayor and to the Common Council a written report of all of its activities and its recommendations.
- (6) Such powers and duties as may be designated by the Mayor or otherwise authorized by the Common Council.]

**Section 5. This ordinance shall take effect immediately.**

Council Member Sano asked for passage of 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)), which had been previously introduced.

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

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

Affirmative 13 Negative 0 Abstain 0

Council Member Scalzo made a motion to amend the following and as amended, asked for passage and a roll call vote thereon:

**Ordinance Number 73.122.08 (As Amended)**

**AN ORDINANCE AMENDING ARTICLE V-A (NOTICE OF VIOLATION) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO TIME LIMITS**

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

**Section 1. Section 313-51.1 (B) of Chapter 313 (Solid Waste) of the Code of the City of Albany is hereby amended to read as follows:**

§313-51.1 Responsibility of property owners; action by city; costs of abatement; hearing.

A. All property owners or persons owning, occupying or otherwise having control of property within the City of

Albany shall at all times maintain that property and the adjoining public ways free of litter and debris, excessive accumulation of animal waste, water and other hazards. Appropriate groundcover shall be properly established and maintained. Heavy undergrowth, weeds and/or overgrowth of plant material which are noxious or detrimental to the public health, safety and welfare shall be eliminated.

B. Upon complaint, on his or her own motion and after inspection of the property, the Commissioner of the Department of General Services or his or her designee shall notify the property owner or person occupying or having control of the property as hereinafter provided, of any conditions on the property or sidewalk violating the provisions of Articles IV and/or V of this Chapter and require compliance within five (5) calendar days from the date [of] such notice was mailed or within three (3) calendar days of personal service of such notice if said notice is personally served upon the property owner, authorized agent or person or entity in control of the property.

**Section 2. This ordinance shall take effect immediately.**

*Ordinance Number 73.122.08 (As Amended) was Co-Sponsored by Council Members Rosenzweig and Sano.*

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

Affirmative -- Calsolaro, Conti, Ellis, Fahey, Fox, Herring, Igoe, O'Brien, Rosenzweig, Sano, Scalzo, Smith 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 Calsolaro offered the following, asked for passage and a roll call vote thereon:

**Resolution Number 23.22.09R**

**RESOLUTION IN SUPPORT OF THE NEW YORK STATE ENVIRONMENTAL PROTECTION FUND**

**WHEREAS**, the City of Albany recognizes that protecting natural resources, public health, community character and regional economies is critically important, and

**WHEREAS**, created in 1993, the New York State Environmental Protection Fund (EPF) established the state's first-ever dedicated funding mechanism to provide critical funding for the New York State Department of Environmental Conservation, the Office of Parks, Recreation and Historic Preservation, and grants to local governments and non-profit organizations. EPF funding helps to implement a variety of environmental programs to protect public health and ensure communities have clean water, land, and air; to preserve open space and working farms, and to create and maintain public parks, and

**WHEREAS**, the Environmental Protection Fund has provided dedicated funding for programs that benefit this municipality including open space protection, farmland protection, non-point source pollution prevention, waterfront revitalization, municipal parks, municipal recycling, zoos, botanical gardens and aquaria, smart growth planning, biodiversity research, estuary programs, pollution prevention, landfill closure, and water quality protection, and

**WHEREAS**, the Environmental Protection Fund has benefited the City of Albany by providing funding for:

- the preparation of a City of Albany comprehensive plan;
- construction of the Rapp Road Landfill gas collection system;
- Quackenbush Square improvements;
- a recycling coordinator, recycling brochures and a billboard;
- a management plan, tree planting at Arbor Hill Gateway Park, a distressed neighborhood tree planting program and a street tree inventory;
- numerous waterfront revitalization projects including improvements along South Broadway, the Corning Preserve, Port of Albany and the north waterfront district, and

**WHEREAS**, the Environmental Protection Fund is primarily financed through the New York State Real Estate Transfer Tax (RETT) but also receives revenue from income derived from the sale of surplus state lands, the leasing of underwater state-owned lands, and New York's "open space" license plate. As initially envisioned and established by the New York State Legislature, EPF appropriations are not intended to have any significant effect on the state's annual budget because EPF revenue represents statutorily dedicated funds not intended to be spent on other state programs, and

**WHEREAS**, it was the intent of the New York State Legislature to protect the integrity of the Environmental Protection Fund through times of economic prosperity as well as during economic crisis by providing a stable dedicated source of funding for these critical programs, and

**WHEREAS**, despite current and projected decreases in real estate sales in New York State, the State Real Estate Transfer Tax generates revenue at a level that is nearly triple what is statutorily required to fully fund the Environmental Protection Fund, and

**WHEREAS**, it is the sense of this body, that to ensure environmental funding levels in New York State adequately meet current needs, the Environmental Protection Fund should be fully funded according to the current statutory funding schedule as established by the Environmental Protection Fund Enhancement Act (Chapter 256 of the Laws of 2007), and

**WHEREAS**, it is the sense of this body that the Environmental Protection Fund Act should be implemented and the Environmental Protection Fund should receive adequate funding in the FY2009-10 State Budget and that its primary funding mechanism should continue to be from the State Real Estate Transfer Tax, as it has for the past 15 years.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Albany strongly supports the Environmental Protection Fund and urges New York State to include monies for the Environmental Protection Fund in the FY 2009-10 State Budget.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City of Albany opposes changing the revenue source of the Environmental Protection Fund and urges New York State to ensure adequate revenue from the State Real Estate Transfer Tax is dedicated to the Environmental Protection Fund in the FY 2009-10 State Budget.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Common Council of the City of Albany requests that the Clerk of this Council forward copies of this resolution to Governor David Paterson, Senate Majority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Senate Minority Leader Dean Skelos, Assembly Minority Leader James Tedisco, Senator Neil Breslin, and to Assemblymen John McEneny and Ronald Canestrari.

*\*Note there was discussion from Council Member Calsolaro regarding funding from the state.*

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

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

Affirmative 13 Negative 0 Abstain 0

Council Member Conti on behalf of Council Member McLaughlin offered the following, which was referred to the Housing and Community Development Committee:

**Resolution Number 25.22.09R**

**RESOLUTION DESIGNATING THE MAYOR TO ACT AS OFFICIAL REPRESENTATIVE OF THE CITY OF ALBANY TO SUBMIT ANNUALLY TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THE "ANNUAL ACTION PLAN", AND AMENDMENTS THERETO, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**WHEREAS**, the Congress of the United States established the Community Development Block Grant Program; and

**WHEREAS**, the Albany Community Development Agency has prepared the Annual Action Plan for the Community Development Block Grant Program Year 35 in accord with a public hearing held on January 8, 2009; and

**WHEREAS**, pursuant to Sec. 570.303 of the Code of Federal Regulations, a grantee of a Community Development Block Grant must certify that its governing body has duly adopted a resolution authorizing a person to act as its official representative to submit the Action Plan, amendments thereto, and all understandings and assurances thereto, and directing authorizing the persons identified as the official representative of the grantee to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council hereby authorized the Mayor to act as the City of Albany's official representative for the purpose of submitting the said Action Plan and all necessary understandings, assurances, and amendments thereto; and

**BE IT FURTHER RESOLVED**, that the Common Council hereby adopts the Action Plan for the Community Development Block Grant Program Year 35 as prepared by the Albany Community Development Agency, together with and including all understandings and assurances required thereby.

**Council Member Calsolaro made a motion to withdraw Resolution Number 38.42.08R, which was approved by unanimous voice vote.**

Council Member Fahey asked for passage of RESOLUTION NUMBER 13.12.08R (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]), which had been previously introduced.

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

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

Affirmative 13 Negative 0 Abstain 0

Council Member Herring made a motion to amend and as amended asked for passage and a roll call vote thereon:

**Resolution Number 41.42.08R (As Amended)**

**RESOLUTION ADOPTING A CITY OF ALBANY DEBT POLICY AS REQUIRED BY SECTION 408 OF THE CITY CHARTER**

**WHEREAS**, the Albany City Charter provides that the Common Council shall by resolution establish and review periodically a comprehensive debt policy (a “Debt Policy”) for determining appropriate levels of debt and various criteria in connection with the issuance of debt; and

**WHEREAS**, the City of Albany (the “City”) recognizes that a Debt Policy is an important aspect of sound fiscal management and the bond rating agencies and the Government Finance Officers Association have recognized the need for municipalities such as the City to adopt and abide by a Debt Policy; and

**WHEREAS**, a Debt Policy will establish the parameters for City’s issuance of future indebtedness and managing outstanding indebtedness including, but not limited to, serial bonds and statutory installment bonds, but excluding bond anticipation notes, revenue anticipation notes, tax anticipation notes and capital leases (collectively, “General Obligation Debt”); and General Government Revenue; and

**WHEREAS**, a Debt Policy will also provide guidance on the timing and purposes for which General Obligation Debt may be issued, the types and amounts of permissible debt, and the methods of sale that may be used; and

**WHEREAS**, a Debt Policy formally recognizes an obligation for full and timely repayment of all debt as an essential requirement for accessing capital markets and adherence to a Debt Policy will help ensure that the City will maintain a sound position and that its credit rating is protected; and

**WHEREAS**, the Debt Policy is to be used in conjunction with the City’s capital budget and capital plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby adopts the following Debt Policy which shall be reviewed annually:

**I. Purposes of Issuing General Obligation Debt**

The purpose of debt issuance is to meet the City’s capital needs for constructing, reconstructing, rehabilitating and/or renovating utility systems, buildings, infrastructure, roadways and sidewalks, for purchasing vehicles, machinery, equipment, apparatus and other capital items for which the use of operating funds is not feasible or advisable. The City will prepare and adopt annually a five-year Capital Plan to identify and establish an orderly plan for meeting the City’s infrastructure and capital needs.

**II. Guidelines for Issuing Debt:**

A. The bond maturity of any purpose approved for debt issuance will not exceed the expected useful life of the purpose for which the debt is issued, irrespective of the period of probable usefulness permitted by section 11.0 of the New York State Local Finance Law (the “Law”); the “useful life” of any subject for

which debt is issued shall be determined by the chief fiscal officer in consultation with the city's Corporation Counsel;

B. Proposed purposes for debt financing will be individually analyzed by the chief fiscal officer and the Budget Director to review tax impact and future costs resulting from the proposed resulting indebtedness;

C. While New York State law permits the approval of projects for debt financing by resolution, the City of Albany has traditionally approved and will continue to approve all projects by ordinance of the Common Council requiring a two-thirds majority vote;

D. The Common Council will not authorize indebtedness for unspecified purposes;

E. In any year, prior to approving any authorization for bonding, the Common Council will obtain from the City's chief fiscal officer a statement describing the city's debt service obligations, overall level of debt, as well as overlapping debt;

F. Total bond authorizations in any year shall not exceed the total approved as part of the Capital Plan passed in connection with that year's budget except in cases of a public health or safety emergency declared by the Mayor, or indebtedness deemed necessary by a two-thirds vote of the entire membership of the Common Council.

### III. Debt Limits

**Effective no later than January 1, 2010 the City's General Obligation Debt service, as a percentage of the City's General Governmental Expenditures, shall not exceed ten percent (10%). However, the debt limit may be exceeded based on purchases authorized and deemed necessary to address a public health or public safety emergency declared by the Mayor or for indebtedness deemed necessary by a two-thirds vote of the entire membership of the Common Council. General obligation debt service which is totally supported by dedicated revenue shall be excluded from the calculation of the 10% debt limit threshold referred herein. However, the chief fiscal officer shall prepare and annually update the total debt and interest attributed to such obligations.**

### IV. Capital Leases

A. In addition to General Obligation Debt, as authorized by the Common Council, the City may enter into capital leases to acquire machinery, equipment, furniture and fixtures when it is in the best interest of the City, as determined by the Chief Fiscal Officer.

B. While capital leases do not affect the City's constitutional debt limit, these obligations, shall be included when calculating the City's General Obligation Debt service.

C. While such non-appropriation obligation debt is not backed by the full faith and credit of the City of Albany, City will treat these obligations as it does general obligation debt.

### V. Credit Objectives

The City of Albany will strive to maintain or improve its current bond rating. The City will also maintain relationships with rating agencies that assign ratings to the City's various debt obligations. The City will keep the rating agencies informed of the City's financial position by providing them with copies of the City's annual budget and annual financial statements.

## VI. Methods of Sale

The Chief Fiscal Officer will select a method of sale that is most advantageous based on the conditions of financial markets, transaction-specific and issuer-related conditions and in accordance with the Law. Debt obligations shall generally be issued through competitive sale. If the Chief Fiscal Officer, after consulting with the City's financial advisor and bond counsel, determines that a competitive sale would not result in the best outcome for the City, then a negotiated sale, private placement or other method may be chosen, subject to any limitations provided by the Law.

## VII. Advance/Current Refunding of Debt

The City may issue advance-refunding or current-refunding bonds (a "Refunding") in accordance with federal tax law and the Law. A Refunding may be used to reduce outstanding principal, reduce interest costs, or to eliminate restrictive debt covenants. Prior to recommending a refunding, the Chief Fiscal Officer shall demonstrate that savings, net of all issuance costs and cash contribution to the Refunding, will total at least three percent (3%) of interest and principal owed, unless otherwise permitted by the Common Council.

## VIII. Disclosures

The City will ensure that at all times is in compliance with its continuing disclosure obligations as provided for by Securities and Exchange Commission Rule 15c2-12.

The City will disclose the preceding ten (10) fiscal years debt ratios in the annual financial statements.

The City will disclose an estimate of the subsequent five fiscal years debt ratios in the operating and capital improvements budgets.

## IX. Savings Clause

Failure to comply with the provisions of this resolution will not invalidate any proceedings of the City or the debt issued by the City.

*\*Note: There was discussion from Council Member Herring stating that this is a requirement of the City Charter. He stated that most of the practices are being done but there is nothing in writing outlining the debt policy.*

*There was discussion from Council Member Calsolaro thanking the committee for their time and hard work. He stated that he had concerns with Article 3 regarding the exemption of debt supported by income from the debt limit provisions of the policy and that he did not agree with this provision which could apply to landfill-related debt.*

*There was discussion from Council Member O'Brien inquiring where does it say in the legislation that landfill was not part of the City debt.*

*There was discussion from Council Member Scalzo thanking Council Member Herring, the Mayor and Comptroller. He stated he felt this was a solid piece of legislation.*

*There was discussion from Council Member Sano explaining that the debt policy legislation does not exempt the landfill. He stated that the revenue from the landfill pays for its bonds and that if that changes, then the landfill would be held to the 10% threshold. He stated that the golf course is in the opposite position.*

*Council Member Herring stated that the landfill is the only situation in the City where that happens, so there is no indebtedness.*

*Resolution Number 41.42.08R(As Amended) was Co-Sponsored by Council Members Fox, Igoe, Rosenzweig, Sano, Scalzo and Timmons.*

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

Affirmative -- Conti, Fahey, Fox, Herring, Igoe, O'Brien, Rosenzweig, Sano, Scalzo, and Timmons

Negative -- Calsolaro, Ellis and Smith

Affirmative 10 Negative 3 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 9.11.09R(MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF NORMAN RICE AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION), which had been previously introduced.

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

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

Affirmative 13 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 10.11.09R(MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF MICHAEL J. YEVOLI AS A MEMBER OF THE BOARD OF THE ALBANY CONVENTION CENTER AUTHORITY), which had been previously introduced.

*\*Note: There was discussion from Council Member Calsolaro stating his concern with Mr. Yevoli serving on various boards and a possible conflict of interest regarding land that the IDA owns that would have to be purchased by the Convention Center Authority.*

*Council Member Herring asked Ms. Samel (Research Counsel to the Common Council) to address Council Member Calsolaro's concerns. Ms. Samel stated that since Mr. Yevoli does not personally own the land there is no conflict.*

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

Affirmative -- Calsolaro, Conti, Fahey, Fox, Herring, Igoe, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Negative -- Ellis

Affirmative 12 Negative 1 Abstain 0

Council Member Sano, along with co-sponsors Calsolaro, Fahey, Fox and McLaughlin made a motion to amend and as amended asked for passage and a roll call thereon:

**Resolution Number 27.32.08R (As Amended)**

RESOLUTION OF THE COMMON COUNCIL CALLING UPON CONGRESS TO ENACT THE HOMEOWNERS AND BANKS PROTECTION ACT

**WHEREAS**, the onrushing financial crisis engulfing home mortgages, debt instruments of all types, and the banking system of the United States threatens foreclosure and loss of homes for millions of American citizens over the upcoming months and;

**WHEREAS**, Under similar circumstances in the 1930s, President Franklin D. Roosevelt successfully intervened to protect banks and homeowners, addressing Congress with a "declaration of national policy" on April 13, 1933, which stated "that the broad interests of the Nation require that special safeguards should be thrown around home ownership as a guarantee of social and economic stability, and that to protect homeowners from inequitable enforced liquidation in a time of general distress is a proper concern of the Government".

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany calls upon Congress to take emergency action to protect homeowners and banks by enacting a Homeowners and Banks Protection Act specifically to:

1. Establish a Federal agency to place Federal and State chartered banks under protection, freezing all existing home mortgages for a period of time, adjusting mortgage values to fair prices, restructuring existing mortgages at appropriate interest rates and writing off speculative debt obligations of mortgage-backed securities, financial derivatives and other forms of financial pyramid schemes that have brought the banking system to the point of bankruptcy;

2. Declare a moratorium on all home foreclosures for the duration of the transitional period, allowing families to retain their homes. Monthly payments, the equivalent of "rental payments", shall be made to designated banks, which can use the funds as collateral for normal lending practices, thus recapitalizing the banking system. These affordable monthly payments will be factored into new mortgages, reflecting the orderly deflating of the housing bubble, the establishment of appropriate property valuations and reduced fixed mortgage interest rates. While this may take several years to achieve, in the interim period no homeowner shall be evicted from his or her property, and the Federal and State chartered banks shall be protected so that they can resume their traditional functions, serving local communities and facilitating credit for investment in productive entities; and

3. Authorize Governors of several states to assume the administrative responsibilities for implementing the program, including the "rental" assessments to designated banks, with the Federal government providing the necessary credits and guarantees to assure the successful transition.

**BE IT FURTHER RESOLVED**, that the Common Council requests that the City Clerk forward suitable copies of this resolution to the President of the United States, Senators Charles Schumer and Kirsten Gillibrand and Representative Paul Tonko

**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:

**Falterman, Edward L., 303 State Street, Apt. #6, Albany, NY 12210**

Council Member President Morris discussed a memo given to Council Members with suggested dates of when the Council would like requested information related to the parking ticket investigation back from departments. She stated that there was also a list of potential witnesses for the hearings arranged in the order of importance and that the intention was to get this done before letters went out.

Council Member Igoe noted that former APOU President James Teller was missing from the list. He asked Deputy Corporation Counsel Tara Wells to address the issue of right to counsel at the hearings. He asked if and when a city employee comes before the Council is it considered overtime and what is provided by the Garity protection.

Ms. Wells stated that under contract, if it is beyond 40 hours, then it is considered overtime. The employee has the option to secure their own attorney. She stated that every officer including PSOs will invoke their right to Garity, which means that their statements can not be used criminally against them, even though they are coming in voluntarily. She stated that the moment it's sworn testimony, a Garity warning needs to be given.

Council Member Ellis stated that he didn't see why overtime should be paid for a formal investigation. He suggested that the Council start with PSOs, Supervisors to see where it takes the investigation. He inquired if the City pays for the attorney.

Ms. Wells stated that if there was an internal investigation where the employee was being disciplined the City does not. But if it were in regard to a criminal charge, the City would pay.

Council President Morris clarified that the union leaders were first on the witness list because the Council was not requesting documents from them.

### **ADJOURNMENT**

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 February 19<sup>th</sup>, 2009.

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