

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

**Monday, March 2, 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons.

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

Council Members recited the Pledge of Allegiance.

**PUBLIC COMMENT PERIOD**

1. Tim Carney, 277 Delaware Avenue, Albany, NY 12209 (Checks & Balances)
2. William Tuthill, 25 S. Lake Avenue, Albany, NY 12206 (Snow & Trash Removal)
3. Philip Rich, 400 Hudson Avenue, Albany, NY 12208 (Landlord & City Responsibility)
4. Dan Curtis, 580 Myrtle Avenue, Albany, NY 12208 (Ordinance 25.31.09)
5. Rev. Anthony Green, 405 Quail Street, Albany, NY 12206 (Resolution 28.31.09R)
6. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (Ghost Tickets)
7. Robert McCrae, 49 Elm Street, Albany, NY 12202 (Ordinance 25.31.09)
8. Mardi Crawford, 28 Elm Street, Albany, NY 12202 (Resolution 28.31.09R)

Council Member Conti made a motion to extend Public Comment Period for an additional ten minutes, which was approved by unanimous voice vote.

9. Vincent Riguso, 13 Beach Avenue, Albany, NY 12208 (Various Issues)
10. Mark Daley, 564 Myrtle Avenue, Albany, NY 12208 (Ordinance 25.31.09)

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

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

DEFERRED

**CONSIDERATION OF LOCAL LAWS**

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

**REPORTS OF STANDING COMMITTEES**

**Finance, Taxation and Assessment** – Council Member Sano stated the committee met on February 24, 2009 to discuss various DGS bonding ordinances. He stated that Ordinance 9.21.09 was held and Ordinance 16.21.09 was withdrawn. He stated that passing the remaining bonding ordinances would be within the recently adopted debt policy guidelines.

**Public Safety** – Council Member Scalzo stated that the committee would be meeting in March.

**Housing and Community Development** – Council Member McLaughlin stated that she would like the members of the committee to check their schedules for a meeting regarding CDBG funding.

**Planning, Economic Development and Land Use** – Council Member Herring stated that the committee would be meeting on March 11, 2009 following caucus to discuss Historic Resources Commission and Board of Zoning Appeals appointments.

**REPORTS OF AD HOC COMMITTEES**

**Ad Hoc Committee on Cable Access** - Council Member Rosenzweig stated that the March 17<sup>th</sup> meeting had been cancelled due to a scheduling conflict with Corporation Counsel’s office. He stated they are working on another date that is convenient for everybody.

**CONSIDERATION OF ORDINANCES**

Council Member Conti introduced the following, which was referred to the Law, Buildings and Code Enforcement Committee:

**Ordinance Number 25.31.09**

**AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ALTERNATE SIDE OF THE STREET PARKING REGULATIONS**

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

**Section 1. Section 359-21 of the Code of the City of Albany is amended to read as follows:**

§ 359-21. Parking limits and alternate side of the street parking.

A. Parking limits in the City of Albany will be designated by the Chief of the Department of Police and displayed through the use of official signs, except in designated areas within the City where parking meters are installed [which will have a parking limit of one hour between the hours of 9:00 a.m. and 6:00 p.m., Monday through Saturday, except holidays] in accordance with Article XIII of this chapter.

B. In instances where alternate side of the street parking limits are instituted on streets with one-sided on street parking only the Chief of the Department of Police shall designate, and display through the use of official signs, a one-hour change over window to allow vehicles to move from one side of a street to another so as to be in compliance with applicable alternate side of the street parking regulations. During such window period, vehicles shall not be considered to be parked in violation of the provisions of this chapter.

**Section 2. This ordinance shall take effect 30 days after enactment into law.**

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

**Ordinance Number 26.31.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$70,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$70,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ONE TON PICKUP TRUCKS)**

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

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

Object or Purpose: Motor Vehicles  
Local Finance Law Section 11.00(a) Subparagraph 29  
Period of Probable Usefulness: 5 years  
Maximum Term of Obligations: 5 years  
Maximum Estimated Cost: \$70,000.00  
Maximum Amount of Bonds: \$70,000.00  
Comptroller's Bond Authorization Numbers: Y-09  
Comptroller's Project Numbers: GH 81609926

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$70,000.00 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 leases or 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 leases or 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 leases or 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 leases or 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 issuer of the leases or the 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 leases or 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 March 2, 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 26.31.09 for Section 3 thru Section 12.*

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

**Ordinance Number 27.31.09**

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

**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: Solid Waste Management – Resource Recovery Facilities

Local Finance Law Section 11.00(a) Subparagraph 6

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: X-09

Comptroller's Project Numbers: GH 81609925

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

Council Member Sano introduced the following, which was held:

**Ordinance Number 28.31.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$3,500,000.00 AND AUTHORIZING THE ISSUANCE OF \$3,500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (DELAWARE AVENUE RECONSTRUCTION)**

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

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

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

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

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$3,500,000.00

Maximum Amount of Bonds: \$3,500,000.00

Comptroller's Bond Authorization Numbers: AB-09

Comptroller's Project Numbers: GH 50109929

Section 2. The plan of financing such objects or purposes is the issuance of \$3,500,000.00 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 29.31.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,900,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,900,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PEDESTRIAN BRIDGE)**

**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: Bridges, tunnels, viaducts and underpasses

Local Finance Law Section 11.00(a) Subparagraph 10

Period of Probable Usefulness: 20 years  
Maximum Term of Obligations: 20 years  
Maximum Estimated Cost: \$1,900,000.00  
Maximum Amount of Bonds: \$1,900,000.00  
Comptroller's Bond Authorization Numbers: V-09  
Comptroller's Project Numbers: GH 50109923

Section 2. The plan of financing such objects or purposes is the issuance of \$1,900,000.00 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 30.31.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$900,000.00 AND AUTHORIZING THE ISSUANCE OF \$900,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CENTRAL AVENUE RECONSTRUCTION)**

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

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

Object or Purpose: Highway, roads, streets, parkways and parking areas.  
Local Finance Law Section 11.00(a) Subparagraph 20(c)  
Period of Probable Usefulness: 15 years  
Maximum Term of Obligations: 15 years  
Maximum Estimated Cost: \$900,000.00  
Maximum Amount of Bonds: \$900,000.00  
Comptroller's Bond Authorization Numbers: AA-09  
Comptroller's Project Numbers: GH 50109928

Section 2. The plan of financing such objects or purposes is the issuance of \$900,000.00 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 31.31.09**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$3,500,000.00 AND AUTHORIZING THE ISSUANCE OF \$3,500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET REHABILITATION)**

**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: \$3,500,000.00  
Maximum Amount of Bonds: \$3,500,000.00  
Comptroller's Bond Authorization Numbers: Z-09  
Comptroller's Project Numbers: GH 50109927

Section 2. The plan of financing such objects or purposes is the issuance of \$3,500,000.00 serial bonds hereby authorized to be issued.

Council Member Sano asked for passage of ORDINANCE 4.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$4,550,000.00 AND AUTHORIZING THE ISSUANCE OF \$4,550,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE 5.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$480,000.00 AND AUTHORIZING THE ISSUANCE OF \$480,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE 6.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$215,000.00 AND AUTHORIZING THE ISSUANCE OF \$215,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ADA COMPLIANCE), 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE 7.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$330,000.00 AND AUTHORIZING THE ISSUANCE OF \$330,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (RENOVATIONS TO CITY BUILDINGS), 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE 8.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$325,000.00 AND AUTHORIZING THE ISSUANCE OF \$325,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ROOF IMPROVEMENTS), 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano asked for passage of ORIDINANCE 10.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY HALL ROOF AND BELL TOWER), 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano asked for passage of ORIDINANCE 11.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$175,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$175,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (GARBAGE TRUCK), which had been previously introduced.

*Note: There was discussion from Council Member Calsolaro regarding bonding in tough times. There was discussion from Council Member Sano and Rosenzweig regarding having come up with best practices and keeping the 10% threshold on indebtedness.*

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

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

Negative -- Calsolaro, Ellis and Smith

Affirmative 11 Negative 3 Abstain 0

Council Member Sano asked for passage of ORIDINANCE 12.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$80,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$80,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ONE-TON FLIPPER TRUCKS), which was previously introduced.

**\*Not passed by the following vote of all the Council Members elected voting in favor thereof:**

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

Negative -- Calsolaro, Conti, Ellis, Fahey and Smith

Affirmative 9 Negative 5 Abstain 0

Council Member Sano asked for passage of ORIDINANCE 13.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$90,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$90,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (FARM TRACTORS), which had been previously introduced.

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

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

Negative -- Calsolaro, Ellis and Smith

Affirmative 11 Negative 3 Abstain 0

Council Member Sano asked for passage of ORIDINANCE 14.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$88,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$88,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ONE-TON DUMP TRUCKS), which had been previously introduced.

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

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

Negative -- Calsolaro, Ellis and Smith

Affirmative 11 Negative 3 Abstain 0

Council Member Sano asked for passage of ORDINANCE 15.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$150,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$150,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LOADER MOUNTED SNOW BLOWER)

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano made a motion to withdraw Ordinance Number 16.21.09, which was approved by unanimous voice vote.

Council Member Sano asked for passage of ORDINANCE 17.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$100,000.00 AND AUTHORIZING THE ISSUANCE OF \$100,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (WESTLAND HILLS BROWNFIELD REMEDIATION), 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE 17.21.09 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$90,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$90,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (FORESTER TRUCK)), which had been previously introduced.

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

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

Negative -- Calsolaro

Affirmative 13 Negative 1 Abstain 0

Council Member Sano asked for passage of ORDINANCE 19.21.09 (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)), 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, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 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 Conti on behalf of Council Member Casey offered the following, which was referred to the Council Operations Committee:

**Resolution Number 26.31.09R**

**RESOLUTION DESIGNATING MANNING BOULEVARD AS THE STREET OF THE YEAR FOR THE 11<sup>TH</sup> WARD 7<sup>TH</sup> ELECTION DISTRICT**

**WHEREAS**, Manning Boulevard between Washington Avenue and Central Avenue has demonstrated a strong commitment to the neighborhood; and

**WHEREAS**, the residents of Manning Boulevard have made investments in their neighborhood building the character of this neighborhood, making it a better place to live, work, and raise children; and

**WHEREAS**, residents of this block have been working on beautification projects, have worked on community clean-ups, rapidly notified the proper agencies on street light outages, and have participated in the designated neighborhood association; and

**WHEREAS**, residents have contacted property owners and residents and informed them about the problems with quality of life issues; and

**WHEREAS**, residents have brought to the attention of the city priorities for sidewalk and street repairs as well as potholes; and

**WHEREAS**, residents have brought bus idling issues to the attention of the City, working to increase the air quality; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby designates Manning Boulevard between Washington Avenue and Central Avenue as "Street of the Year" for the 11<sup>th</sup> Ward, 7<sup>th</sup> Election District and that a street sign be affixed to that block as recognition for the hard work of those residents.

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

**Resolution Number 27.31.09R**

**RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING CARL EPELMANN AS A**

**MEMBER OF THE BOARD OF ASSESSMENT REVIEW**

**RESOLVED**, that Carl Eppelmann be and he is hereby re-appointed as a member of the Board of Assessment Review, pursuant to New York State Real Property Tax Law Section 523, for a term of five (5) years, ending September 30, 2013.

**Council Member Conti made a motion to add by majority consent Resolution Numbers 28.31.09, 29.31.09, 30.31.09 and 31.31.09 to the pending agenda, which was approved by unanimous voice vote.**

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

**Resolution Number 28.31.09R(MC)**

**RESOLUTION OF THE COMMON COUNCIL AFFIRMING UNITY AGAINST HATE AND BIGOTRY**

**WHEAREAS**, the city of Albany is a highly diverse community that values its residents of all sexual orientations, genders, races, ethnicities, nationalities, ages, religions, physical abilities, and economic backgrounds; and

**WHEREAS**, residents of diverse backgrounds have made countless contributions as family members, workers, volunteers, and neighbors to the greatness of the city of Albany; and

**WHEREAS**, the city has enacted human rights ordinances to protect the rights of all of its citizens; and

**WHEREAS**, people of all backgrounds and faiths will come together in a peaceful community-wide vigil for unity and caring and to demonstrate unity against hate and bigotry on Thursday, March 5, 2009 on the steps of City Hall.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby affirms that Albany is a city that is united against hate and bigotry and that respects the dignity and human rights of all.

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

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

Affirmative 14 Negative 0 Abstain 0

*\*Note there was discussion from Council Members Smith, Calsolaro, and Sano supporting this legislation.*

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

**Resolution Number 29.31.09R(MC)**

**RESOLUTION OF THE COMMON COUNCIL ENACTING A HOME RULE MESSAGE TO THE NEW YORK STATE LEGISLATURE REQUESTING THE ENACTMENT OF SENATE BILL NO. 396 / ASSEMBLY BILL NO. 1039 ENTITLED: “AN ACT TO AMEND THE VEHICLE AND TRAFFIC LAW, IN RELATION TO AUTHORIZING A PILOT RESIDENTIAL PARKING PERMIT**

**SYSTEM IN THE CITY OF ALBANY AND PROVIDING FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF**

**RESOLVED**, that a Home Rule Message is hereby enacted and directed to the New York State Legislature requesting the enactment of Senate Bill No. 3067 and Assembly Bill No. 5697 entitled:

**“AN ACT to amend the Vehicle and Traffic Law, in relation to authorizing a pilot residential parking permit system in the City of Albany and providing for the repeal of such provisions upon expiration thereof”**

*Resolution Number 29.31.09R(MC) was Co-Sponsored by Council Members Calsolaro, Ellis, McLaughlin and Smith.*

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

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

Affirmative 14 Negative 0 Abstain 0

*\*Note: There was discussion from Council Members Conti, Calsolaro and McLaughlin regarding the limited amount of parking in certain neighborhoods and this being an ongoing issue for years.*

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

**Resolution Number 30.31.09R(MC)**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN UNDER THE HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL ACT**

**RESOLVED**, that the Mayor of the City of Albany be and he is hereby authorized and directed to enter into and execute a state assistance contract with the New York State Department of Environmental Conservation for funding provided from the Hudson-Fulton-Champlain Quadricentennial Program in accordance with the Hudson-Fulton-Champlain Quadricentennial Act, in an amount not to exceed \$45,000 for the Albany Hudson 400 Celebration.

**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, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O’Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 14 Negative 0 Abstain 0

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

**Resolution 31.31.09R(MC)**

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING AN AMENDMENT TO CHAPTER 192 OF THE NEW YORK STATE LAWS OF 1925 IN RELATION TO THE ALBANY PORT COMMISSION**

**WHEREAS**, Chapter 192 of the New York State Laws of 1925 established the Albany Port District and the Albany Port Commission; and

**WHEREAS**, Chapter 192 of the New York State Laws of 1925 delegates to the Albany Port Commission regulatory powers over the development and operations of the facilities of the Albany Port District; and

**WHEREAS**, the Albany Port Commission is a component reporting unit of the City of Albany and, as such, is included in the City's general purpose financial statements; and

**WHEREAS**, the Albany Port Commission consists of five members appointed by the Governor, four of whom are appointed upon the nomination of the Mayor of the City of Albany and one upon the nomination of the Mayor of the City of Rensselaer; and

**WHEREAS**, appointment of members to the Albany Port Commission is by unilateral action not subject to review and confirmation by the governing bodies of the City of Albany or City of Rensselaer; and

**WHEREAS**, the current appointment procedure diminishes oversight of the Albany Port District and activities of the Albany Port Commission and weakens accountability; and

**WHEREAS**, under various state and local laws it has become common practice for mayoral appointments to various boards, commissions and authorities to be subject to confirmation by the Albany Common Council; and

**WHEREAS**, under the Albany City Charter the Common Council also has confirmation authority over mayoral appointments of various department heads.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany Common Council finds and declares that its lack of authority to confirm City of Albany Mayoral nominations for appointment to the Albany Port Commission diminishes its ability to exercise adequate and appropriate oversight over the activities and operations of the Commission and such lack of authority diminishes accountability; and

**BE IT FURTHER RESOLVED**, that the Albany Common Council calls upon the State Legislature to amend existing law to establish the authority of the Common Council to confirm City of Albany mayoral nominations to the Albany Port Commission; and

**BE IT FURTHER RESOLVED**, that to the extent such amendment requires a home rule request by the Albany Common Council, such request shall be adopted upon introduction of appropriate legislation by the State Senate and State Assembly; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution, suitably engrossed, be transmitted to State Senator Neil Breslin, Assembly Members Jack McEneny and Ron Canestrari, Senate Majority Leader Malcolm Smith, Senate Minority Leader Dean Skelos and Assembly Speaker Sheldon Silver

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

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

Affirmative 14 Negative 0 Abstain 0

*\*Note: There was discussion from Council Member Conti regarding the need for Council to have oversight of operations at the Port of Albany and giving the Council the ability to confirm appointments.*

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

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Council Member Conti made a motion to go into a Committee of the Whole to address matters regarding "No Fine" Parking tickets, which was approved by unanimous voice vote.

Council Member Conti made a motion to be Chair of the Committee of the Whole, which was approved by unanimous voice vote.

Council Member Conti stated that unless the Council acts as a Committee, Members could not hear testimony under oath. He stated that the Council President is ex-officio, therefore she cannot chair the Committee of the Whole. He asked Members to gather any questions they may have for witnesses at the upcoming parking ticket hearing and give them to Research Counsel, Barbara Samel. He stated that invitations to appear before the Committee had been extended to Mr. Lyman and Mr. Mesley. Council Member Conti stated that during hearings, questions would be asked through the Chair. He stated the Committee would be operating under the Common Council's committee procedure.

Council Member McLaughlin had some questions on follow-up if the invitations are declined.

### **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 March 2<sup>nd</sup>, 2009.

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