

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

**Monday, March 17, 2008**

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

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

Also present was the following staff: John Marsolais, Michelina Capozzolo, and Barbara Samel.

Council Member Rosenzweig led the Pledge of Allegiance.

## **PUBLIC COMMENT PERIOD**

- 1) Amisha Gomez, 2007 Tulip Queen, 15 Glenwood Rd., Menands, NY (Tulip Queen Nominations and Programs)
- 2) Jennifer Quinn, 133 Jay St. Albany, NY (Howe Library Windows)
- 3) Holly Katz, 42 Elm St., Albany, NY (Howe Library Windows)
- 4) Colin McKnight, 45 Elm St., Albany, NY (Howe Library Windows)
- 5) Marci David, 54 Elm St., Albany, NY (Howe Library Windows)
- 6) Frank Houde, 22 Elm St., Albany, NY (Howe Library Windows)
- 7) John Wolcott, 344 Sheridan Ave., Albany, NY (S. Pearl Demolitions, City Statements and Howe Library Windows)
- 8) Lynda Porteer, 540 Myrtle Ave., Albany, NY (Howe Library Windows)

Council Member Conti made a motion to extend Public Comment Period for an additional 30 minutes, which was approved by unanimous voice vote.

- 9) Stephen Winters, 227 Second Ave., Albany, NY (Howe Library Windows)
- 10) Timothy Burke, 161 Washington Ave, Albany Public Library (Howe Library Windows)
- 11) Susan Holland, 472 Madison Ave., Albany, NY (Howe Library Windows)
- 12) James M. Gallagher, 32 Holmes Dale, Albany, NY (Howe Library Windows)
- 13) Kimberly Alvarez, 83 Grove Ave., Albany, NY (Howe Library Windows)
- 14) Stephen Jeffrey, La Ruche Movement, (Resolution 27.32.08R)
- 15) Frank Matthews, LaRuche Movement (Resolution 27.32.08R)
- 16) Tom Ellis, 43 N. Pine Ave., Albany, NY (APD Oversight)
- 17) Mark Mishler, S. Manning Blvd, Albany, NY (APD Oversight)

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 all the Local Laws on the pending agenda, which was approved by unanimous voice vote.

## **REPORTS OF STANDING COMMITTEES**

**Public Safety** - Council Member Scalzo stated that the committee met on March 14, 2008 to discuss various APD polices.

**Planning, Economic Development and Land Use** – Council Member Herring stated that the committee would be meeting on March 26, 2008 to discuss Resolution 26.31.08R confirming the appointment of Christine Sisto Mertes to the Parking Authority, Resolution 7.12.08R confirming the appointment of Douglas P. Mackey to the Historic Resources Commission and Resolution 9.12.08R confirming the appointment of Sean Rafferty to the Historic Resources Commission. The committee will also have a presentation regarding the Harriman Campus Transportation Linkage study and discuss Council Member Fahey’s Ordinance 2.12.08 on Solar panels.

**Parks, Recreation and Family Services** – Council Member Calsolaro stated that the committee would meet on March 26, 2008 at 5:15PM to have a discussion with Faye Andrews, Commissioner of Youth and Workforce Services and John Gustin with the Department of Recreation on after school and summer programs for youth.

**Law, Buildings and Code Enforcement** – Council Member Igoe stated that the committee would meet on March 26, 2008 prior to the Parks Committee meeting to discuss Ordinance 20.31.08 on Junk Dealers and Ordinance 21.31.08 on Secondhand Dealers.

**Finance, Taxation and Assessment** - Council Member Sano stated that the committee met on Wednesday, March 5, 2008 at 5:30PM to discuss several Department of General Services bonding Ordinances. The Committee favorably recommended Ordinances 5.22.08 through 19.22.08 out of committee. He stated that the committee would be meeting March 19, 2008 to discuss Local Law C-2007 and the reappointment of Dominick Donato to the Board of Assessment Review.

## **CONSIDERATION OF ORDINANCES**

Council Member O’Brien moved for passage of ORDINANCE 22.31.08) (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 6 AUSTAIN AVENUE (TAX MAP #53.66-2-33) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO MICHAEL R. TOBLER), which had been previously introduced.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 5.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$167,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$167,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (GARBAGE TRUCK)), which had been previously introduced.

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

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

Affirmative 14 Negative 0 Abstain 0

*\*Note: Council President Morris recognized Council President Pro Tempore Conti for the purpose of using a short roll call vote for the remaining bond ordinances, which was approved by unanimous voice vote.*

Council Member Sano moved for passage of ORDINANCE 6.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$125,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$125,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET SWEEPER)), which had been previously introduced.

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

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

Affirmative 14    Negative 0    Abstain 0

Council Member Sano moved for passage of ORDINANCE 7.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$45,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$45,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (FARM TRUCK)), which had been previously introduced.

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

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

Negative -- Calsolaro and Smith

Affirmative 12    Negative 2    Abstain 0

Council Member Sano moved for passage of ORDINANCE 8.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LOADER COMPOST FACILITY)), which had been previously introduced.

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

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

Affirmative 14    Negative 0    Abstain 0

Council Member Sano moved for passage of ORDINANCE 9.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,450,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,450,000.00 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, Casey, Conti, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 10.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$400,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$400,000.00 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, Casey, Conti, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 11.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$215,000.00 AND AUTHORIZING THE LEASE FINANCING OR 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, Casey, Conti, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 12.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$350,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$350,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (QUACKENBUSH REPAIRS)), which had been previously introduced.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 13.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$450,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$450000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF

(MECHANICAL SYSTEMS IMPROVEMENTS)), which had been previously introduced.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 14.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ELEVATOR RENOVATIONS)), which had been previously introduced.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 15.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$347,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$347,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CORNING PRESERVE BIKE PATH)), which had been previously introduced.

*Ordinance Number 15.22.08 was Co-Sponsored by Council Member Calsolaro.*

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 16.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$50,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$50,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY HALL ROOF)), which had been previously introduced.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 17.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,338,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$2,338,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET RECONSTRUCTION)), which had been previously introduced.

*Ordinance Number 17.22.08 was Co-Sponsored by Council Members Calsolaro, Fahey, and Scalzo.*

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 18.22.08 (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 (LINCOLN PARK IMPROVEMENTS)), which had been previously introduced.

*Ordinance Number 18.22.08 was Co-Sponsored by Council Members Calsolaro and McLaughlin.*

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Sano moved for passage of ORDINANCE 19.22.08 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$75,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$75,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (WASHINGTON PARK IMPROVEMENTS)), which had been previously introduced.

*Ordinance Number 19.22.08 was Co-Sponsored by Council Members Calsolaro and Conti.*

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

Affirmative -- Calsolaro, Casey, Conti, 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 Sano, Calsolaro, Fahey, Fox, and McLaughlin, offered the following, which was referred to the Finance, Taxation and Assessment Committee:

### **Resolution Number 27.32.08R**

#### **RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE NEW YORK STATE ASSEMBLY IN CALLING UPON CONGRESS TO ENACT THE HOMEOWNERS AND BANKS PROTECTION ACT**

**WHEREAS**, the onrushing financial crisis involving home mortgages, debt instruments of all types and the banking system of the United States threatens to set off an economic collapse worse than the Great Depression of the 1930s; and

**WHEREAS**, millions of Americans are faced with foreclosure and loss of their homes over the coming months; and

**WHEREAS**, the hedge funds which spread this financial collapse among markets worldwide, by dominating speculation in all those markets, are now going bankrupt and demanding government bailout of their securities and derivatives, and the nominal value of the derivatives based on mortgages alone is the size of the combined GDP of the nations of the world; and

**WHEREAS**, This financial crisis threatens the integrity of both Federal and State chartered banks, as typified by the run on deposits of Countrywide Financial Corporation in California on August 16, which could wipe out the life savings of too many American people and drastically undermine the economic stability of our states and cities; 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 supports New York State Assembly Bill Number K01272, and that we call 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 Hillary Clinton, Representative Michael McNulty, Governor Eliot Spitzer, Senate Majority Leader Joseph Bruno, Senate Minority Leader Malcolm Smith, Senator Neil Breslin, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari and Assemblyman John McEneny.

Council Member Casey offered the following, which was referred to the Council Operations Committee

**Resolution Number 28.32.08R**

**RESOLUTION OF THE COMMON COUNCIL AMENDING THE RULES OF PROCEDURE IN RELATION TO LEADERSHIP MEETINGS**

**RESOLVED**, that Section 2.3 of Article 2 (Meetings) of the Rules of Procedure of the Common Council is amended to read as follows:

SECTION 2.3.

Quorum; [President Pro-Tempore; Majority Leader] Council Leadership

(a) A majority of the Alderpersons elected shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absent members. The Council shall be called to order by the President, or, if he be absent, by the President Pro-Tempore, who shall preside until the President appears.

(b) The Majority Leader shall assist the President Pro-Tempore in carrying out his/her duties and in the securing of the attendance of Alderpersons for meeting. Whenever the President Pro-Tempore shall be excused or absent, the Majority Leader shall be substituted in his/her place and stead, but to act for that meeting only.

(c) Whenever the President Pro-Tempore and Majority Leader meet with the Mayor, Deputy Mayor or Executive Assistant to the Mayor as representatives of the Common Council or to discuss Common Council business or meetings, they shall prepare a written report for distribution at the next scheduled meeting of the Common Council. The report shall include the names of those in attendance, the subjects discussed and a brief outline of the discussions.

**Council Member Conti asked and received majority consent to add Resolution Numbers 29.32.08R, 30.32.08R, and 31.32.08R to the pending agenda, which was approved by unanimous voice vote.**

Council Members McLaughlin and Smith offered the following, asked for passage and a roll call vote thereon:

**Resolution Number 29.32.08R(MC)**

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE ALBANY LOCAL DEVELOPMENT CORPORATION (ALDC) IN ITS APPLICATION TO THE NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL (DHCR) UNDER THE NEW YORK MAIN STREET GRANT PROGRAM FOR FUNDING FOR THE ALBANY DOWNTOWN RESIDENTIAL BUILDING RENOVATION PROGRAM**

**WHEREAS**, the Albany Local Development Corporation (ALDC) is applying to the New York State Division of Housing and Community Renewal (DHCR) for funding under the Main Street Grant Program for a grant in the amount of \$200,000, to aid in the implementation of the Albany Downtown Residential Building Renovation Program, in the City of Albany; and

**WHEREAS**, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany does hereby approve and endorse the application of the Albany Local Development Corporation for a grant from the New York State Division of Housing and Community Renewal Main Street Grant Program in the amount of \$200,000 to aid in the implementation of the Albany Downtown Residential Building Renovation Program.

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

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

Affirmative 14 Negative 0 Abstain 0

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

**RESOLUTION NUMBER 30.32.08R (MC)**

**RESOLUTION URGING THE ALBANY PUBLIC LIBRARY BOARD TO RECONSIDER THEIR DECISION ON REPLACING THE HISTORIC WINDOWS AT THE HOWE LIBRARY**

**WHEREAS**, the Albany Public Library Board of Trustees is making much needed renovations to branches within the system including the Howe Library. Work on the Howe Library is scheduled to begin April 1, and

**WHEREAS**, the Howe Library is the only library in the Albany Public Library system that was constructed to be a library and is still used as one today. The building was constructed in 1928 and one of its most character-defining features is its windows, and

**WHEREAS**, the Albany Public Library Board of Trustees has decided to remove these windows and replace them with new windows even though options exist to cost effectively repair the existing windows, and

**WHEREAS**, the City of Albany Historic Resource Commission does not have any jurisdiction to review this decision and the concerned neighbors and preservationists have no opportunity to have a hearing as to this decision.

**WHEREAS**, replacing these windows is against the historic preservation standards established by the U.S. Department of the Interior and it ruins the historic character of the building forever and is irreversible.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Albany Common Council joins with the Historic Albany Foundation in urging the Albany Public Library Board of Trustees to reconsider their decision and to preserve the historic windows at the Howe Library.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be immediately forwarded to each member of the Albany Public Library Board of Trustees and to the Executive Director of the library system.

*Resolution Number 30.32.08R (MC) was Co-Sponsored by Council Members Conti, Fahey and Smith.*

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

Affirmative -- Calsolaro, Casey, Conti, Fahey, Fox, Herring, McLaughlin, O'Brien, Sano, Scalzo, and Smith

Negative -- Igoe, Rosenzweig and Timmons

Affirmative 11 Negative 3 Abstain 0

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

**RESOLUTION NUMBER 31.32.08R (MC)**

**RESOLUTION CONGRATULATING ST. TERESA OF AVILA SCHOOL ON THEIR 80<sup>TH</sup> ANNIVERSARY**

**WHEREAS**, the Catholic educational mission of St. Teresa of Avila School is to encourage all aspects of each individual child's development with particular emphasis on the spiritual and intellectual growth. St. Teresa's seeks to provide the highest quality academic education within a caring, supportive Catholic/Christian environment where students can experience a sense of community. St. Teresa of Avila School strives to develop a sense of social justice in each child by emphasizing our responsibility to respect the life and dignity of God's people, and

**WHEREAS**, the first students of St. Teresa of Avila were educated in the former rectory, a farmhouse on the grounds of the present church, accommodating grades one through four. In 1928 remodeling of the church took place and a school was added to the second floor. That year there were 300 students enrolled in grades one to seven taught by the Religious Sisters of Mercy. In 1930 Grade 8 was added, and

**WHEREAS**, in September 1957 a junior high building was erected on the corner of New Scotland and Hollywood Avenues. At this time it housed grades seven through nine. This building also contains an auditorium, gymnasium, library and a science lab. The ninth grade ended in 1967, when a double graduation ceremony was held for the eighth and ninth grade students. The following September the 6th grade was departmentalized and moved to the middle school building followed by the 5th grade in September 1992. Currently, the "Grammar School" building houses a nursery class of 3 year olds, a pre-kindergarten as well as grades K-4. The "Middle School" building continues to house grades 5-8, and

**WHEREAS**, in its eighty years, St. Teresa of Avila School has provided a sound education for countless city youth, participated as part of the community in its school charitable works and taught its students the value of contributing to those less fortunate in our community, provided a place for recreation of our youth, and has contributed to the overall health and well-being of the city.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby congratulates St. Teresa of Avila School on their 80<sup>th</sup> anniversary and wish them continued success in educating the city's youth.

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

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

Affirmative 14      Negative 0      Abstain 0

Council Members Sano and O'Brien moved to amend Resolution 24.31.08R, and as amended asked for passage, and a roll call vote thereon:

**RESOLUTION NUMBER 24.31.08R (as amended)**

**RESOLUTION CALLING ON THE NYS DEPARTMENT OF TRANSPORTATION TO MAINTAIN THE STATE'S OWN HIGHWAYS.**

**WHEREAS**, Governor Eliot Spitzer has created the Commission on Local Government Efficiency and Competitiveness in an effort to save property taxpayers millions of dollars by recommending solutions to deliver local services more efficiently, and

**WHEREAS**, the Governor has said, "Inefficient delivery of government services and excessive layers of bureaucracy have long contributed to New York's chronically high taxes. These efficiency measures demonstrate that we are serious about reigning in unfunded mandates and out of control spending. Many of these improvements were modeled on initiatives developed by local government officials, who have shown vision and energy in suggesting ways to streamline the delivery of services to their regions," and

**WHEREAS**, the Commission on Local Government Efficiency and Competitiveness will issue its comprehensive recommendations in April. Early recommendations already included in the Governor's Executive Budget include: a consolidation incentive for highway services which will provide a 30 percent aid bonus giving transitional support to local governments that functionally consolidate highway operations countywide and coordination of state and local highway services by promoting greater cooperation between the state and localities, in the delivery of highway services, particularly under emergency conditions, and

**WHEREAS**, the Common Council of the City of Albany has called upon the State Legislature in the past to address the confusing and unfair system for the maintenance of state highways passing through cities, towns and villages, and

**WHEREAS**, the statutory guidelines for the maintenance of state highways were developed in the 1940's when traffic and resources were concentrated in the cities and state highways in towns and villages were mainly farm roads. Sixty years later this statutory scheme no longer makes sense as resources are no longer concentrated in cities and traffic on state highways passing through suburbs is as heavy as it is in the cities, and

**WHEREAS**, the City of Albany maintains Central Avenue (NYS Rt. 5), Henry Johnson Boulevard (NYS Rt. 9), Van Rensselaer Boulevard (NYS Rt. 377), Western Avenue (NYS Rt. 20), Pearl Street/Broadway (NYS Rt. 32), Delaware Avenue (NYS Rt. 443), New Scotland Avenue (NYS Rt. 85), and Southern Boulevard (NYS Rt. 9W). The adjacent towns and villages do not have to maintain these roads as the State assumes full responsibility for these highways once they cross the City line, and

**WHEREAS**, this creates a double standard with transportation funding as cities must seek to maintain state highways and city streets while towns and villages only need to seek state funding for the maintenance of town and village streets.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany urges Governor David Patterson and the Commission on Local Government Efficiency and Competitiveness to use this opportunity to end this unfunded mandate on the State's cities and maintain all of its state highways, even those that run through cities.

**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 Patterson, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Senate Minority Leader Malcolm Smith, Assembly Minority Leader James Tedisco, Senator Neil Breslin, and to Assemblymen John McEneny and Ronald Canestrari.

*Resolution Number 24.31.08R was Co-Sponsored by Council Members Casey, Fox, McLaughlin, Smith and Timmons*

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

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

Affirmative 14 Negative 0 Abstain 0

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

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Council Member McLaughlin stated that she thought it was appropriate that the Tulip Queen was present to talk about literacy education program because tonight there was a lot of discussion at the Howe Library.

### **ADJOURNMENT**

Council Member Conti asked the Council Member Ellis be excused.

A motion was made for adjournment.

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

A true record of the Common Council Minutes of March 17<sup>th</sup>, 2008

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