

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

**Monday, March 21, 2011**

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

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, Rosenzweig, Sano, and Smith.

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

Council Member Bailey led the Pledge of Allegiance.

**Council Member Conti made a motion to change the order of business to consider Resolution Number 12.31.11R, which was approved by unanimous voice vote.**

Council Members Jenkins-Cox, Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig, Sano and Smith asked passage of Resolution Number 12.31.11R (RESOLUTION CONGRATULATING THE ALBANY HIGH SCHOOL GIRLS' BASKETBALL TEAM ON WINNING ITS FIRST BIG 10 TITLE) which had been previously introduced at the request of Common Council President McLaughlin, and a roll call vote thereon:

*\*Note: Council President McLaughlin spoke on this resolution prior to passage.*

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

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, Rosenzweig, Sano, and Smith

Affirmative 14 Negative 0 Abstain 0

Members of the Albany High School Girls' basketball Team were invited within the rail of the Council Chamber and were presented with a formal copy of the Resolution Number 12.31.11R by Council Member Jenkins-Cox.

**PUBLIC COMMENT PERIOD**

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Quality of Life in the Community)
2. Perry Junjulas, 16 Marion Ave., Albany, NY 12203 (Albany Damian Center in Relation to the Lark Street BID)
3. Jose Lopez, Jr., 40B View Ave., Albany, NY 12209 (St. Patrick's Day Riots/Police/District Attorney)
4. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Various)

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

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Council Member Conti made a motion to approve the minutes of the February 24, 2011 meeting, which was approved by unanimous voice vote.

**CONSIDERATION OF LOCAL LAWS**

The Local Laws on the pending agenda were held at the request of Council Member Conti.

**REPORTS OF STANDING COMMITTEES**

**Planning, Economic Development and Land Use** – Council Member Herring stated that the Committee would be meeting on Tuesday, March 22, 2011 at 5:30 PM to interview appointees to the Planning Board and to the Historic Resources Commission. The Committee would also discuss Ordinance Number 21.22.11 relating to outdoor café permits.

**Housing and Community Development** – Council Member Calsolaro stated that the Committee met on Wednesday March 16, 2011 and today, March 21, 2011 to discuss the Community Development Block Grant (CDBG) Budget. The committee voted to amend the budget to reallocate \$5000 from administrative expenses to fund a grant award to Too Deep Entertainment for their Urban Arts Leadership and Mentoring project. There were discussions with Centro Civico and Catholic Charities regarding Hispanic Outreach services of each agency, and the Community Development Agency has agreed to meet with these organizations to work with them on coordination and delivery of services and adequacy of financing.

**Public Safety** – Council Member Smith stated that the Albany Police Department quarterly report on gun violence and shots fired had been placed in Council Member’s mailboxes.

**CONSIDERATION OF ORDINANCES**

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

**Ordinance Number 23.32.11**

**AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO DISPLAYING WARES IN FRONT OF PROPERTY**

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

**Section 1. Section 323-21 of Chapter 323 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 323-13. Display of wares in front of store, house or building; requirements.**

No person shall place, hang [~~out~~] or suspend [~~over any street in the City~~] any goods, wares, merchandise or other thing in front of his or her store, house or other building[~~, at a greater distance~~

~~therefrom than three feet or so as to reach more than four feet above the pavement; and whoever shall offend against the provisions of this section shall incur a penalty of not more than \$100 for the first offense; a fine of \$250 shall be imposed for a second offense; and a fine of \$500 shall be imposed for every subsequent offense; provided, however, that nothing]. Any violation of this section shall be subject to a Stop Work Order issued by the Director of the Division of Building and Codes or his/her designee. Nothing in this section contained shall apply to fixtures or awnings, or to articles in the course of transportation in or out of any building.~~

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

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

**Ordinance Number 24.32.11**

**AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,000,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,000,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (NEIGHBORHOOD REVITALIZATION)**

**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: Demolition and repair of buildings.  
Local Finance Law Section 11.00(a) Subparagraph 12-a  
Period of Probable Usefulness: 10 years  
Maximum Term of Obligations: 10 years  
Maximum Estimated Cost: \$1,000,000.00  
Maximum Amount of Bonds: \$1,000,000.00  
Treasurer's Bond Authorization Numbers: N-11  
Treasurer's Project Numbers: GH 64208114

Section 2. The plan of financing such objects or purposes is the issuance of \$1,000,000.00 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 therefore. 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 Treasurer, 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 Treasurer, consistent with the provisions of Local Finance Law.

Section 7. The City Treasurer 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 Treasurer 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 March 21, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

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

**CONSIDERATION OF RESOLUTIONS**

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

**Resolution Number 13.32.11R**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF SUSIE TUCKER-ROSS TO THE BOARD OF ZONING APPEALS**

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the appointment of Susie Tucker-Ross to the Board of Zoning Appeals for a term of office to expire December 31, 2014.

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

**Resolution Number 14.32.11R**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF JOSEPH RAY TO THE BOARD OF ZONING APPEALS**

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the appointment of Joseph Ray to the Board of Zoning Appeals for a term of office to expire December 31, 2015.

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

**Resolution Number 15.32.11R**

**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 37 in accord with a public hearing held on February 22, 2011; 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.

**BE IT FURTHER RESOLVED**, that the Common Council hereby adopts the Action Plan for the Community Development Block Grant Program Year 37 as prepared by the Albany Community Development Agency, together with and including all understandings and assurances required thereby.

*\*Note: Council Member Calsolaro spoke on the resolution prior to passage.*

Council Member Konev made a motion to amend the Action Plan as attached to the resolution to decrease the grant award for Catholic Charities Hispanic Outreach and Support by \$3000 and increase the award for Centro Civico by the same amount. Council President McLaughlin ruled the motion out of order in that there was an appeals process and deadline for applicants to appeal their preliminary awards under the program and Centro Civico had not appealed their preliminary award in a timely manner as required.

Council Member Konev moved to appeal the ruling of the Council President; by voice vote members upheld the ruling of the Council President, the appeal failed.

*\*Note: Council Members Konev, Fahey, Freeman, Golby, Conti, Calsolaro, and Council President McLaughlin discussed the resolution prior to passage.*

*Council Member Golby stated that because she was employed by one of the awardees, to avoid an appearance of conflict (which did not exist) she would vote present but supported adoption of the resolution.*

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

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Herring, Igoe, Jenkins-Cox, Konev, Rosenzweig, Sano, and Smith

Negative – Konev

Present – Golby

Affirmative 12 Negative 1 Abstain 0 Present 1

**Council Member Conti asked and received majority consent to add Resolution Numbers 16.32.11R and 17.32.11 to the pending agenda, which was approved by unanimous voice vote.**

Council Members Calsolaro, Konev, Bailey, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, O’Brien, Rosenzweig, Sano and Smith introduced the following, asked for passage and a roll call vote thereon:

**Resolution Number 16.32.11R(MC)**

**RESOLUTION PROTESTING THE PROPOSED FEDERAL FUNDING REDUCTIONS OF HOUSING AND URBAN DEVELOPMENT’S COMMUNITY BLOCK GRANT FUNDS**

**WHEREAS**, the House Appropriations Committee has recommended reducing the U.S. Housing and Urban Development Community Block Grant funding (CDBG) by 62.5%; and

**WHEREAS**, this reduction would reflect a \$2.5 million dollar reduction in CDBG funds allocated to the City of Albany; and

**WHEREAS**, this reduction in funding would severely impact the City of Albany’s ability to provide neighborhood revitalization programs, economic development programs, and housing opportunities for low income home owners in the City of Albany; and

**WHEREAS**, this reduction in funding would impact the ability of the City of Albany to provide funding to City not-for-profit organizations that provide a host of economic development, anti crime, educational, housing, and homeless prevention programs to City of Albany residents.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany expresses its support of full funding for the U.S. Housing and Urban Development Community Block Grant funding.

**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 United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

*\*Note: Council Member Freeman and Calsolaro spoke on this resolution prior to passage.*

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

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, Rosenzweig, Sano, and Smith

Affirmative 14 Negative 0 Abstain 0

Council Member Smith introduced the following, which was held:

**Resolution Number 17.32.11R(MC)**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH GRANEYS STOUT INC FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY ADJACENT TO 904 BROADWAY**

**BE IT RESOLVED**, that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with Graneys Stout Inc for the use and occupancy of a portion of the City right-of-way adjacent to 904 Broadway for the erection of a raised patio and entranceway upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

Council Member Herring moved to withdraw Resolution Number 16.21.10R(MC).

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

**MISCELLANEOUS AND UNFINISHED BUSINESS**

Council Member Herring offered the following, which was approved by unanimous voice vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2012, AND WAIVE THE READING OF THE NAMES:

Jenkins-Cox, Jacqueline M, 352 Colonie Street, Albany, NY 12206  
Jones, Michael K, 100 State Street, Room 350, Albany, NY 12207

Council Member Konev requested that the Superintendent of Schools be invited to a future caucus to discuss school reorganization plans.

**ADJOURNMENT**

Council Member Conti moved for adjournment.

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

A true record of the Common Council Minutes of March 21<sup>st</sup>, 2011.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL