

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

Monday, April 4, 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, O'Brien, Rosenzweig, and Sano.

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

Council Member Jenkins-Cox led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Council Restructuring)
2. Sandy Steubing, 680 Central Ave. Apt. 5, Albany, NY 12206 (Peak Oil)
3. Tim Carney, 277 Delaware Ave., Albany, NY 12209 (Council Restructuring)
4. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Council Restructuring)

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 asked and received majority consent to add Local Law A-2011 to the pending agenda, which was approved by unanimous voice vote.

Council Member Herring along with Co-Sponsors Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith introduced the following, which was held:

LOCAL LAW A-2011 (MC)

A LOCAL LAW AMENDING PART 13 (PLANNING BOARD) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MEETINGS OF THE PLANNING BOARD

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Section 42-181 of Chapter 42 of the Code of the City of Albany is hereby amended to read as follows:

Section 42-181. Common Council; jurisdiction.

A. Notice and agenda of every Planning Board meeting shall be provided to the Common Council at least one week prior to any meeting of the Planning Board. All Planning Board meetings shall be open to the public as provided under the requirements of the Open Meetings Law contained in Public Officers Law Article 7 and shall be held at a time of day after normal business hours to assure the opportunity for public participation.

Section 2. To the extent inconsistent, this local law supersedes General City Law Section 27.

Section 3. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

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 met on March 30, 2011 to interview Ms. Susie Tucker-Ross and Mr. Joseph Ray for BZA appointments. Both appointments were recommended favorably out of committee.

Law, Buildings and Code Enforcement – Council Member Igoe stated that the committee would be meeting on April 14, 2011 to discuss Ordinance Number 98.121.10 relating to hens and Ordinance Number 23.32.11 relating to displaying wares in front of properties.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on the Pesticide Ordinance – Council Member Golby stated that the ad hoc committee would be meeting on May 9 and May 23, 2011 to continue discussions on the city pesticide ordinance.

CONSIDERATION OF ORDINANCES

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

Ordinance Number 25.41.11

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE ISSUANCE OF \$500,000.00 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: 20 years
Maximum Term of Obligations: 20 years
Maximum Estimated Cost: \$500,000.00
Maximum Amount of Bonds: \$500,000.00
Treasurer's Bond Authorization Numbers: 0-11
Treasurer's Project Numbers: GH 33108116

Section 2. The plan of financing such objects or purposes is the issuance of \$500,000.00 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 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 April 4, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

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

Ordinance Number 26.41.11

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 (TRAFFIC STUDY AND DESIGN)

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: 20 years
Maximum Term of Obligations: 20 years
Maximum Estimated Cost: \$100,000.00
Maximum Amount of Bonds: \$100,000.00
Treasurer's Bond Authorization Numbers: P-11
Treasurer's Project Numbers: GH 33108117

Section 2. The plan of financing such objects or purposes is the issuance of \$100,000.00 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 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 April 4, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Council Members Conti and Konev introduced the following, which was held:

Ordinance 27.41.11

AN ORDINANCE AMENDING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE HOURS OF OPERATION OF SIDEWALK CAFES WITHIN THE LARK STREET AREA BUSINESS IMPORVEMENT DISTRICT AND ORDINANCE 54.42.10 AS ADOPTED BY THE COMMON COUNCIL ON JULY 8, 2010 IN RELATION THERETO

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

Section 1. Subsection C of section 303-16 of the Code of the City of Albany is amended to read as follows:

C. Notwithstanding subsection A of this section, for the period ending April 30, [2011] 2012, sidewalk cafes located within the boundaries of the Lark Street Area Business Improvement District, as established in accordance with Article II of Chapter 142 of this Code, shall close by 12:00 midnight on Friday and Saturday, provided that the additional hour authorized by this subsection shall be limited to those sidewalk cafes, or parts thereof, which are in compliance with the provisions of this chapter; for which an application submitted with a site plan has been approved by the City Clerk in accordance with this chapter; and whose location is consistent with such approved application.

Section 2. This ordinance shall take effect immediately and shall expire and be deemed repealed on April 30, 2012.

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

Ordinance Number 28.41.11

AN ORDINANCE AMENDING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY IN RELATIONS TO PENALTIES

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

Section 1. Section 303-11 of Chapter 303 of the Code of the City of Albany is amended to read as follows:

§ 303-11. Revocation of permit and enforcement.

D. Upon a finding of such violation of this chapter or other applicable rule, regulation, ordinance, local law or statute, or upon other good cause shown, the City Clerk may revoke a permit or ~~commence an action pursuant to § 258-2, or both~~ levy penalties pursuant to Section 303-20 of this chapter.

Section 2. Section 303-20 of Chapter 303 of the Code of the City of Albany is amended to read as follows:

§ 303-20. Penalties for offenses.

~~[An offense against the provisions of this chapter shall constitute a violation and shall be punishable pursuant to Chapter 258, Penalties.]~~

A person or entity found in violation of this chapter, shall receive a letter stating the violation and pay a fine of one hundred fifty dollars (\$150) for a first offense; shall receive a letter stating the violation, pay a fine of three hundred dollars (\$300) and have said permit suspended for ninety (90) days for a second offense within three months of the first offense; and shall receive a letter stating the violation, pay a fine of five hundred dollars (\$500) and have said permit revoked for the remainder of the permit season or suspended for one hundred twenty (180) days, whichever is greater, upon any subsequent offense after the second offense. Any fines levied shall be in addition to any other provisions for enforcement contained in this Code.

Section 3. This ordinance shall take effect immediately.

Council Member Igoe introduced the following, which was held:

Ordinance Number 29.41.11

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL

THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO A PORTION OF 767 NEW SCOTLAND AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO LUCY KLEINMANN

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

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to a portion of 767 New Scotland Avenue, adjacent to 751 New Scotland Avenue, be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to Lucy Kleinmann.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.

Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

Section 4. This ordinance shall take effect immediately.

Council Member Herring moved to amend Ordinance Number 21.22.11 and as amended asked for passage and a roll call vote thereon:

Ordinance Number 21.22.11 (as amended)

AN ORDINANCE AMENDING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY

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

Section 1. Section 303-6 of Chapter 303 of the Code of the City of Albany is amended to read as follows:

§ 303-6. Application for permit.

A. Any request or application for a permit to operate a sidewalk or outdoor cafe shall be made to the City Clerk or his or her designated agent, in writing, on the application form provided by the City Clerk's office for this purpose. Where construction or alterations are anticipated, the applicant for an outdoor cafe must also submit a building permit application which will be reviewed for compliance with the State Building Code and City Zoning Requirements. Editor's Note: See the New York State Uniform Fire Prevention and Building Code and Ch. 375, Zoning, of this Code, respectively.

B. The request/application shall include:

- (1) The name, address and telephone number of the applicant.
- (2) The name, address and telephone number of the restaurant to be the subject of the application.
- (3) The days and hours for which the permit is requested.
- (4) Whether alcoholic beverages are to be served.
- (5) The number of tables and chairs desired for this area and a rendering of positions of tables relative to entrances, exits and the sidewalk.
- (6) A description of facilities and equipment to be used, including whether live or mechanically reproduced music is to be played and the other devices needed for amplification of sound, when applicable.
- (7) A site plan, drawn to scale, showing proper clearance around ingress and egress to building and to fire safeguards; also proper amount of clearance on sidewalk for pedestrian traffic.
- (8) Proof of insurance, in amounts required by the City Clerk.
- (9) An indication of all fixtures such as fencing, decking or planters to be used and an indication of whether or not they will be removed when the cafe is closed. All fixtures related to sidewalk cafes must be temporary and shall not be affixed to City-owned property in any manner.
- (10) A survey map indicating property lines and that property which is owned by the applicant and that which is City-owned.
- (11) Any other information that the City Clerk may find reasonably necessary for the fair determination as to whether a permit should be issued.

Section 2. Section 303-7 of Chapter 303 of the Code of the City of Albany is amended to read as follows:

§ 303-7. Standards for issuance of permit.

A. The City Clerk shall issue a permit upon a finding that:

- (1) The proposed sidewalk or outdoor cafe will not unreasonably interfere with the pedestrian traffic or use of the City-owned portion of property to be used.
- (2) The applicant has met all other applicable provisions in this chapter and those in the Building Code, the Zoning Ordinance and, if located in a historic district, the Historic Resources Commission Ordinance.

B. Notwithstanding the foregoing, the City Clerk may deny a permit upon a finding that:

- (1) The use of the sidewalk or outdoor cafe has resulted in violations of any applicable rule, regulation, ordinance, local law or statute during the 12 months preceding the application.
- (2) The proposed sidewalk or outdoor cafe will have an undue adverse effect upon nearby property, the character of the neighborhood, traffic conditions, parking or other matters affecting the public health, safety, welfare or convenience.

C. The City Clerk may hold an administrative hearing with the applicant for a permit and any other interested persons to assist in making such a determination. Such hearing shall be upon notice to Corporation Counsel: the Division of Building and Codes; the Departments of Engineering, Development, Development and Planning [~~and Neighborhood Development~~], Fire, Police, Traffic Engineering; the Alderperson representing the area in which the proposed cafe is to be located; and the neighborhood association, if any, whose contact person and boundary descriptions are on file with the City Clerk.

Section 3. Section 303-9 of Chapter 303 of the Code of the City of Albany is amended to read as follows:

§ 303-9. Fees.

The fee for processing the application for a sidewalk or outdoor cafe permit shall be [~~\$65~~]

A. Application fee for sidewalk or outdoor cafe: \$50

B. Usage fee for sidewalk cafe:

1-100 sq/ft: \$50

101-200 sq/ft: 150

201 -300 sq/ft: 200

301-400 sq/ft: 250

401-500 sq/ft: 300

501-600 sq/ft: 350

601-700 sq/ft: 400

701-800 sq/ft: 450

801-900 sq/ft: 500

901-1,000 sq/ft: 550

Section 4. Section 303-11 of Chapter 303 of the Code of the City of Albany is amended to read as follows:

§ 303-11. Revocation of permit and enforcement.

A. The City Clerk, with the assistance of the Division of Building and Codes, the Albany Police Department and the Department of Development and Planning [~~and Neighborhood Development~~] shall be responsible for monitoring and enforcing compliance with the terms of this chapter and applicable rules and regulations. In so doing, the City Clerk may hold an administrative hearing with the applicant for a permit and any other interested persons. Such hearing shall be upon notice to the Corporation Counsel; the Division of Building and Codes; the Departments of Engineering, Development and Planning [~~and Neighborhood Development~~], Fire, Police, Traffic Engineering; the Alderperson representing the area in which the proposed cafe is to be located; and the neighborhood association, if any, whose contact person and boundary descriptions are on file with the City Clerk.

B. The Division of Building and Codes or Albany Police Department, upon inspection and discovery of a violation of this chapter or other applicable rule, regulation, ordinance, local law or statute may immediately cause the offending cafe to be cleared of patrons.

C. The Division of Building and Codes, Albany Police Department or the Department of Development and Planning [~~and Neighborhood Development~~] shall, upon the discovery of a violation of this chapter or other applicable rule, regulation, ordinance, local law or statute, [~~prepare and submit~~] notify the City Clerk [~~a report~~] of such violation [~~in such form as agreed upon by the City Clerk or the Chief of Police or his or her designee~~]

D. Upon a finding of such violation of this chapter or other applicable rule, regulation, ordinance, local law or statute, or upon other good cause shown, the City Clerk may revoke a permit or commence an action pursuant to §258-2, or both.

Section 5. This ordinance shall take effect immediately.

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, O'Brien, Rosenzweig, and Sano

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 asked and received majority consent to add Resolution Numbers 18.41.11R and 19.41.11R to the pending agenda, which was approved by unanimous voice vote.

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

RESOLUTION NUMBER 18.41.11R (MC)

RESOLUTION HONORING DEACONESS ESSIE CHANDLER, ARTHUR S. EVERETTE, SR., EDDIE JACKSON, AND DEACONESS ZORA B. WILLIAMS AS THEY ARE NAMED TRUSTEES EMERITUS OF THE METROPOLITAN NEW TESTAMENT BAPTIST CHURCH

WHEREAS, on Sunday, April 17, 2011 Deaconess Essie Chandler, Arthur S. Everette, Sr., Eddie Jackson, and Deaconess Zora B. Williams will be names as Trustees Emeritus of the Metropolitan New Testament Baptist Church, and

WHEREAS, each of these valued individuals have served in the position of Church Trustee in excess of 20 years, and they continue to serve God in various ministries at Metropolitan. They will be honored for investing in and leading the church while enabling others to grow in Christian ministry. Their service to Metropolitan has made the Church stronger, and

WHEREAS, Deaconess Essie Chandler was united with the Metropolitan NTM Baptist Church in 1946 and was appointed as a Trustee in 1956. She also served as Church Treasurer and presently serves the Church as Deaconess. Deaconess Chandler is also retired from dedicated service with the City of Albany, and

WHEREAS, Arthur S. Everette, Sr. was united with the Metropolitan NTM Baptist Church in 1977 and appointed as the Chairman of Trustees in 1977. He is retired from the New York State Liquor Authority and presently serves the Church as a Percussionist, and

WHEREAS, Eddie Jackson was united with the Metropolitan NTM Baptist Church in 1976 and was appointed as a Trustee in 1987. He is retired from Rensselaer Polytechnic Institute, where he worked as a Corporate Buyer. Mr. Jackson presently serves the Church as a member of the Building Project Steering Committee, and

WHEREAS, Deaconess Zora B. Williams is a founding member of the Metropolitan NTM Baptist Church and was appointed as a Trustee in 1943. She is retired as a successful homemaker. Zora Williams presently serves as a Deaconess and as a member of the Kitchen Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates Deaconess Essie Chandler, Arthur S. Everette, Sr., Eddie Jackson, and Deaconess Zora B. Williams on being named Trustees Emeritus of the Metropolitan New Testament Baptist Church and recognizes their service and contributions to the City of Albany community.

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, O’Brien, Rosenzweig, and Sano

Affirmative 14 Negative 0 Abstain 0

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

Resolution Number 19.41.11R(MC)

RESOLUTION OF THE COMMON COUNCIL APPOINTING FRANCIS A. COSGROVE AS A MEMBER OF THE BOARD OF ASSESSMENT REVIEW

RESOLVED, that Francis A. Cosgrove is hereby appointed as a member of the Board of Assessment Review for a term of office ending September 30, 2015.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Resolution Number 19.41.11R(MC) was Co-Sponsored by Council Member Konev.

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, O’Brien, Rosenzweig, and Sano

Affirmative 14 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 126.123.10R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ROBERT ARNOLD 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 – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, and Sano

Affirmative 14 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 128.123.10R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JOHN MYERS 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 – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, and Sano

Affirmative 14 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 13.32.11R (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF SUSIE TUCKER-ROSS TO THE BOARD OF ZONING APPEALS), which had been previously introduced.

Resolution Number 13.32.11R was Co-Sponsored by Council Members Calsolaro and Konev.

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, O’Brien, Rosenzweig, and Sano

Affirmative 14 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 14.32.11R (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF JOSEPH RAY TO THE BOARD OF ZONING APPEALS), which had been previously introduced.

Resolution Number 14.32.11R was Co-Sponsored by Council Members Golby, Konev and Sano.

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, and Sano

Affirmative 14 Negative 0 Abstain 0

Council Member Bailey on behalf of Council Member Smith asked for passage of 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, which had been previously introduced.

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

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

Present – Calsolaro

Affirmative 13 Negative 0 Abstain 0 Present 1

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:

Galinski, Ronald J, 22 Schuyler Ave, Albany, NY 12110-4142

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 April 4th, 2011.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL