

# ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

**Monday, April 20, 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 Member Calsolaro led the Pledge of Allegiance.

## **PUBLIC COMMENT PERIOD**

1. Ray Pitlyk, 845 Park Ave., Albany, NY 12208 (Newspaper Guild)
2. Danielle Furfaro, 387 Madison Ave., Albany, NY 12210 (Newspaper Guild)
3. Bill Ritchie, 196 Mt. Hope Dr., Albany, NY 12204 (Newspaper Guild)
4. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Ghost Tickets)
5. Ken Barnes, 395 Manning Blvd., Albany, NY 12206 (OGS, CDTA – Engines Running)
6. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (124-128R Washinton Ave. Ext.)
7. Tim Carney, 277 Delaware Ave., Albany, NY 12209 (Ghost Tickets & vacant buildings)

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**

**General Services, Health and Environment** – Council Member O'Brien stated that he is in the process of scheduling a committee meeting to discuss street and sidewalk repair and stimulus money. He stated that he was looking at May 20, 2009 with Commissioners D'Antonio and Yevoli and possibly the Water Department. He stated that the in-house roadwork is listed on the website.

**Law, Buildings and Code Enforcement** – Council Member Igoe stated the committee is scheduled to meet Monday, April 27, 2009 to discuss Ordinance Number 25.31.09 regarding alternate side of the street parking and Ordinance Number 33.41.09 regarding vendor purchases on streets.

## **REPORTS OF AD HOC COMMITTEES**

**Ad Hoc Committee on Cable Access** - Council Member Rosenzweig stated that the committee has not met since Time Warner's offer three (3) weeks ago. He stated the technical pros are checking out the offer and that the Corporation Counsel's office will be submitting a counter offer to Time Warner. He thanked the community, CANA, Public Library and everyone who was involved in the process.

**CONSIDERATION OF ORDINANCES**

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

**Ordinance Number 35.42.09**

**AN ORDINANCE AMENDING ARTICLES II AND XI OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FRATERNAL ORGANIZATIONS**

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

**Section 1. Article II (Interpretation, Word Usage and Definition) of Chapter 375 (Zoning) of the Code of the City of Albany is amended to read as follows:**

§ 375-7. Definitions.

~~[CLUB, PRIVATE~~

~~A facility operated by a corporation, association or group of people for the social, educational or recreational intent of the dues paying members and their guests, but not primarily for profit nor to render a service which customarily is carried on as a business.]~~

**FRATERNAL ORGANIZATION**

A nonprofit organization which is a branch, lodge, or a chapter of a national or state organization registered by the Internal Revenue Service as a 501(c) nonprofit organization that exists for the purpose of its members to come together and perform activities among which must be services to aid their community.

**Section 2. Article XI (Nonresidential District Regulations) of Chapter 375 (Zoning) of the Code of the City of Albany is amended to read as follows:**

§ 375-71. C-1 Neighborhood Commercial District.

A. Principal permitted uses shall be as follows (NOTE: Commercial spaces established after 1993 are limited to the basement and first floor; also, any business in a C-1 Zoning District that is open between the hours of 11:00 p.m. and 6:00 a.m. shall be required to obtain a special use permit.):

~~[(5) Fraternal organizations.]~~

C. Special permit uses shall be as follows:

(17) Fraternal organizations.

§ 375-71. C-2 Highway Commercial District.

C. Special permit uses shall be as follows:

(13) Fraternal organizations.

§ 375-71. C-2 Highway Commercial District.

C. Special permit uses shall be as follows:

(10) Fraternal organizations.

**Section 3. Except as herein amended Chapter 375 of the Code of the City of Albany is hereby ratified, continued and approved.**

**Section 4. This ordinance shall take effect immediately after passage.**

**Council Member Conti asked and received majority consent to add Resolution Number 36.42.09 to the pending agenda, which was approved by unanimous voice vote.**

**Council Member Conti made a motion for majority consent to add Ordinance 36.42.09 to the agenda, which was approved by unanimous voice vote and made an additional motion for unanimous consent to allow for the consideration of Ordinance 36.42.09 at the same meeting as introduction which was approved by unanimous voice vote**

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

**Ordinance Number 36.42.09(UC)(MC)**

**AN ORDINANCE AMENDING ORDINANCE 1.11.09 RELATING TO A NEW ARTICLE XI-A ENTITLED “GUN VIOLENCE PREVENTION IMPLEMENTATION TEAM.”**

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

**Section 1. Section 42-75 of Ordinance Number 1.11.09, passed by the City of Albany Common Council on April 6, 2009 is hereby amended to read as follows:**

**§ 42-75. Membership; term; compensation; vacancies.**

A. The Gun Violence Prevention Implementation Team shall be composed of nine voting members appointed as follows: three members shall be appointed by the Common Council; three shall be appointed by the Mayor; and one member each shall be appointed by the following involved agencies as a representative of such agency: the Albany County District Attorney’s Office, the City of Albany Police Department, the City of Albany School District. The majority of m[M]embers appointed by the Common Council and Mayor shall be residents of the City of Albany. All members shall be individuals who possess a knowledge or interest in gun violence related issues. Members shall serve without compensation.

B. Each member shall serve a two-year term. The Implementation Team shall designate one of its members as Chairperson and one as Vice Chairperson each of whom shall serve for a term of one year. Vacancies on the Task Force shall be filled in the same manner as the predecessor to fill the unexpired term.

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

*Resolution Number 36.42.09(MC) (UC) was Co-Sponsored by Council Members Sano, Scalzo 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

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

**CONSIDERATION OF RESOLUTIONS**

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

**Resolution Number 41.42.09R**

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CITY OF ALBANY IN ITS APPLICATION FOR FUNDING TO EMPIRE STATE DEVELOPMENT UNDER THE RESTORE NY GRANT PROGRAM**

**RESOLVED**, that the Common Council of the City of Albany hereby expresses its support of the City of Albany in its application to Empire State Development for funding under the ReStore NY Grant Program to assist with rehabilitating blighted and unstable buildings in the City of Albany.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution will follow the application to be submitted by the City of Albany, through the Department of Development and Planning, to Empire State Development in Albany.

*\*Note: There was discussion from Council Member Calsolaro regarding concerns of lack of public input and areas missing such as West Hill. He discussed having issues with one (1) building project and stated the money could be better used.*

*There was discussion from Council Member Ellis regarding issues with how Restore NY money is applied. He discussed having concerns with two (2) projects being tied together. He discussed issues with lack of public input and being made aware of this money.*

*There was discussion from Council Member McLaughlin regarding not passing up this opportunity because this project could be option to help with revitalizing a neighborhood. She discussed concerns with receiving information at the last minute.*

*There was discussion form Council Member O'Brien regarding fostering better communication.*

*There was discussion from Council Member Rosenzweig regarding the importance of passing this resolution and the application process dictating where the money goes. He commended the Planning Department for their work and stating that it is important for the Council to keep an open dialog.*

*There was discussion from Council Member Smith regarding the comments on how the Council deals with grant applications.*

*There was discussion from Council Member Timmons regarding Council Member Calsolaro bringing up West Hill. He discussed West Hill not ever getting money from projects and would like money to be spent in his ward.*

**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, Smith and Timmons

Negative -- Calsolaro

Present -- Ellis

Affirmative 12 Negative 1 Abstain 0 Present 1

Common Council Members Fahey, Calsolaro, and Conti offered the following, asked for passage and a roll call vote thereon:

**Resolution Number 42.42.09R**

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (DELAWARE AVENUE ROAD RECONSTRUCTION PROJECT [P.I.N. 1756.61.121/.221])**

**WHEREAS**, a Project for the Delaware Avenue Road Reconstruction, P.I.N. 1756.61 (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the cost of Construction.

**NOW, THEREFORE**, the Common Council, duly convened does hereby

**RESOLVE**, that the Common Council hereby approves the above-subject project; and it is hereby further

**RESOLVED**, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Construction work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$719,725.00 (Seven hundred thousand seven hundred twenty five dollars and no cents) (\$700,725.00 for Preliminary Engineering Phase and \$19,000.00 for Right of Way Incidentals and Acquisition Phase) has already been appropriated from Ordinance No. 12.21.06 and made available to cover the cost of participation in the Preliminary Engineering Phase and Right of Way Phases of the Project; and it is further

**RESOLVED**, that the additional sum of \$121,700.00 (One hundred twenty one thousand seven hundred dollars and no cents) (\$119,000.00 for the Preliminary Engineering Phase and \$2,700.00 for Right of Way Incidentals and Acquisition Phase) is hereby appropriated pursuant to Ordinance No. 17.22.08 and made available to cover the cost of participation in the above phase of the Project; and it is further

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

**RESOLVED**, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED**, 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, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Negative -- Fox

Affirmative 13 Negative 1 Abstain 0

Council Member Sano introduced the following, which was held:

**Resolution Number 43.42.09R**

**RESOLUTION OF THE COMMON COUNCIL CALLING UPON CONGRESS TO OFFER PROGRAMS TO REDUCE STUDENT LOAN DEBT AS AN ECONOMIC STIMULUS TOOL**

**WHEREAS**, the cost of higher education has risen faster than the average starting salaries, leaving many new college graduates with student debt which exceeds their ability to pay; and

**WHEREAS**, student loan repayment can be difficult for young people starting off their careers and has become even more challenging now with the economic downturn, as recent graduates lose their jobs or struggle to land one. Graduates confront unaffordable monthly payments, loans that are nearly impossible to discharge, and restrictive loan repayment plans; and

**WHEREAS**, there were nearly \$131 billion in outstanding private loans in 2008. In addition, there is \$544 billion in outstanding federal loans for fiscal year 2009, up from \$502 billion in 2008, according to the Education Department. The average debts of students graduating with loans rose from \$18,796 in 2006 to \$20,098 in 2007, according to the Project on Student Debt; and

**WHEREAS**, forgiving student loan debt would have an immediate stimulating effect on the economy. Responsible people who did nothing other than pursue a higher education would have hundreds, if not thousands of extra dollars per month to spend, fueling the economy. As a result, tax revenues would go up, the credit markets will unfreeze and jobs will be created.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany urges the federal government to consider forgiving student loans as part of a stimulus package for young people and to move forward on reforming the student loan process.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that a copy of this resolution, suitably engrossed, be transmitted to United States Senators Kristen Gillibrand and Charles Schumer and United States Representative Paul Tonko.

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

**RESOLUTION NUMBER 44.42.09R**

**RESOLUTION OF THE COMMON COUNCIL IN SUPPORT OF THE NEWSPAPER GUILD/CWA OF ALBANY**

**WHEREAS**, On March 20, 1934, in the middle of the Great Depression, employees at the Albany *Times Union* formed a new chapter of the recently created Newspaper Guild union; and

**WHEREAS**, for 75 years, the Newspaper Guild of Albany, now part of the Communication Workers of America (CWA), has worked to provide fair contracts with good wages and benefits for the newspaper's employees; and

**WHEREAS**, the Guild has done so by working in partnership with management, with both parties bargaining in good faith; and

**WHEREAS**, new leadership at both the *Times Union* and in the Hearst Corporation has led to a much different and detrimental change in that relationship; and

**WHEREAS**, the *Times Union* is now actively seeking to end seniority rights during layoffs, creating a climate where favoritism would trump experience; and

**WHEREAS**, the *Times Union* is also seeking to be able to lay off employees and outsource their work outside the Capital Region, removing good jobs and good wages from the Capital Region's economy at a time when those jobs are needed here; and

**WHEREAS**, the *Times Union* has shown itself unwilling to compromise, even as the Guild has offered concessions; and

**WHEREAS**, the Newspaper Guild has stood strong in defending these protections and the *Times Union* has responded not by offering compromises but by taking the unprecedented step of canceling the union's contract on April 9;

**NOW, THEREFORE BE IT RESOLVED** that the Albany Common Council pays tribute to the Newspaper Guild of Albany on the occasion of its 75<sup>th</sup> anniversary for its long history of dedication to the working men and women of Albany and the Capital Region; and

**BE IT FURTHER RESOLVED** that this body supports the Guild in its fight to keep experienced, loyal employees at work and to keep jobs in the Capital Region and condemns the *Times Union's* cancelation of its union's contract; and

**BE IT FURTHER RESOLVED** that, this body stands in solidarity with the union and will support any and all efforts necessary to achieve a fair collective bargaining outcome between the *Times Union* and the Guild; and

**BE IT FURTHER RESOLVED** that, a copy of this resolution, suitably engrossed, be transmitted to: the Albany Newspaper Guild; the Capital District Area Labor Federation, AFL-CIO; and George Hearst III, Publisher and CEO of the *Times Union*.

*\*Note: There was discussion from Council Member Conti thanking members of the Guild that were at tonight's meeting. He discussed this resolution is supporting fair negotiating practices.*

*There was discussion from Council Members Ellis supporting this resolution.*

*There was discussion from Council Member Sano regarding speaking with Mr. Hearst about not canceling the Guild's contract and he hoped discussions would continue.*

*There was discussion from Council Member Fahey regarding her respect for the work that Times Union does.*

*There was discussion from Council Member Rosenzweig regarding supporting this resolution.*

*There was discussion from Council Member McLaughlin regarding her father working for a union.*

*There was discussion from Council Member Igoe regarding his grand fathers working for unions.*

**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 Conti asked and received majority consent to add Resolution Numbers 45.42.09R and 46.42.09R to the pending agenda, which was approved unanimous voice vote.**

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

**RESOLUTION NUMBER 45.42.09R (MC)**

**RESOLUTION URGING GOVERNOR DAVID PATERSON TO RECONSIDER HIS PLAN FOR STATE EMPLOYEE LAYOFFS**

**WHEREAS**, Governor Paterson has directed state agencies to implement a plan of layoffs within the New York State workforce, and

**WHEREAS**, such plan is intended to achieve a state budget savings of \$481 million, and

**WHEREAS**, the State of New York is in the midst of a serious financial crisis that requires shared sacrifice, and

**WHEREAS**, state worker layoffs will have a disproportionate impact on the Capital Region and its economy having a ripple effect beyond state government, and

**WHEREAS**, alternative actions, some of which have been advanced by public employee unions, can be taken to achieve the necessary budget savings without the need for massive layoffs, and

**WHEREAS**, the Albany Common Council values the commitment to public service of state employees and the essential services they provide to the residents of the State of New York.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Common Council of the City of Albany hereby urges Governor Paterson to reconsider his plan to implement massive state workforce layoffs and that all parties engage in constructive dialogue on viable alternatives to meet state budgetary needs while maintaining essential services.

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

*\*Note: There was discussion from Council Member Sano regarding not being in support of layoffs to save \$481 Million. He discussed the employees affected by the layoffs would still need public assistance and services therefore not saving money. He discussed the state should possibly do a pay lag.*

*There was discussion from Council Member Conti suggesting adding Assembly Member Brian Kolb to the resolution. He discussed the need for both sides having a constructive dialog.*

**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 Rosenzweig offered the following, asked for passage and a roll call vote thereon:

**RESOLUTION NUMBER 46.42.09R(MC)**

**RESOLUTION OF THE COMMON COUNCIL APPOINTING JAMES P. SANO A MARRIAGE OFFICER PURSUANT TO ARTICLE 3 OF THE DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK.**

**WHEREAS,** Article 3 of the Domestic Relations Law authorizes the governing body of a City to appoint Marriage Officers whom shall have the authority to solemnize a marriage in accordance with other applicable provisions of law and within the municipal boundaries of the City,

**NOW THEREFORE BE IT RESOLVED,** that James P Sano is hereby appointed a Marriage Officer in the City of Albany for a term of one (1) day; to wit: May 2, 2009.

**BE IT FURTHER RESOLVED,** that this resolution shall be effective immediately.

*Resolution 46.42.09R(MC) was Co-Sponsored by Council Member Ellis.*

**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, Scalzo, Smith and Timmons

Abstain -- Sano

Affirmative 13 Negative 0 Abstain 1

Council Member Conti asked for passage of RESOLUTION NUMBER 39.41.09R(MC) (RESOLUTION OF THE COMMON COUNCIL ADJUSTING THE BUDGET FOR FISCAL YEAR 2009 PURSUANT TO THE CHARTER OF THE CITY OF ALBANY), 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 resolutions on the pending agenda were held at the request of Council Member Conti.**

**MISCELLANEOUS AND UNFINISHED BUSINESS**

Council Member Calsolaro inquired and got clarification of when this year's annual Youth In Government night is scheduled for.

Council Member Conti discussed the Gun Violence Implementation Team call for nominations being posted and reminded member of the hearing for the Committee of the Whole on the parking ticket investigation at 7 PM next week.

**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 April 20<sup>th</sup>, 2009.

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