

**ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING
Annual Youth In Government Night**

Monday, May 16, 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, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith.

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

Council Member Rosenzweig led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Mike Guidice, 105 Grand St., Albany, NY 12202 (Chickens)
2. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Chickens/Waste of Resources)
3. Betsy Mercogliano, 3 Wilbur St., Albany, NY 12202 (Change in Albany)
4. Grace Farrell, 39 Forest Ave., Albany, NY 12208 (Backyard Camp Fires)
5. Tim Carney, 277 Delaware Ave., Albany, NY 12209 (Council Restructuring)
6. 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 April 21, 2011 and May 2, 2011 meetings, 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

Finance, Taxation and Assessment – Council Member Sano stated that the committee met on May 5, 2011 to discuss Ordinance Number 33.51.11 relating to Pumper Truck Apparatus. This was reported out of Committee with a 4 to 1 vote from Committee Members. He stated that there will be follow-up on how Code Enforcement can be done more efficiently and that a report from the Auditor on code enforcement in the City of Albany should be complete by the end of June 2011.

Public Safety – Council Member Smith stated that the Committee would be meeting on May 17, 2011 at 5:30 p.m. to have a discussion with Albany Police Department Chief Krokoff on Citizen Police

Review Board (CPRB) initiatives and their current budget status. She stated that Reverend Smart and Members of the CPRB have been invited to join the discussion.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on the Pesticide Ordinance – Council Member Golby stated that the ad hoc committee met on May 9th, 2011 to have continued discussions on the pesticide ordinance. There were representatives from the Cornell Cooperative Extension, the NYS Department of Environmental Conservation and Scott Gallup from the Albany Municipal Golf Course present. The Committee favorable reported Ordinance Number 34.51.11 (MC) out of Committee with amendments.

Ad Hoc Committee on Cable Access – Council Member Rosenzweig stated that the ad hoc committee met on May 4, 11 and 12, 2011 to interview over 20 diverse candidates that applied for appointment to the PEG Access Oversight Board. He stated the Committee would be meeting again on Thursday, May 19, 2011 in executive session to select candidates for appointment.

CONSIDERATION OF ORDINANCES

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

Ordinance Number 35.52.11

AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BLOCKING TRAFFIC SIGNAGE

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

Section 1. Section 323-5 of Chapter 323 of the Code of the City of Albany is hereby amended to read as follows:

Section 323-5. Obstruction of streets and sidewalks; traffic signs and devices.

A. No person shall obstruct any street, sidewalk, driveway or alley without first obtaining a barricade permit from the Building Commissioner. ~~Violations of this section are subject to the remedies and penalties of Chapter 375, Zoning, of this Code.~~

B. No fence or vegetation shall impair or cause confusion of vehicular, bicycle or pedestrian traffic, by design, or placement. No fence or vegetation shall obstruct the sight distance of the motorist at a street corner or intersection by placement and location within 25 feet of the intersection of the street or highway lines.

C. Violations of this section are subject to the remedies and penalties of Chapter 375, Zoning, of this Code.

Section 2. This ordinance shall take effect immediately.

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

Ordinance Number 36.52.11

AN ORDINANCE AMENDING ARTICLE IX (GENERAL PROVISIONS) OF CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FEES

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

Section 1. Section 231-135 of Chapter 231 of the Code of the City of Albany is hereby amended to read as follows:

§ 231-135. Fees.

A. The following schedule of fees shall apply with respect to the inspection and certification of residential dwelling units:

- (1) There shall no charge for an initial inspection to determine compliance with the applicable provisions of this code or for a first reinspection.
- (2) Any and all subsequent reinspection(s) necessary to determine compliance with required corrective action or repairs shall be subject to a charge of [~~\$40~~] \$50 per unit inspected.
- (3) Failure to appear within 15 minutes of a scheduled inspection ("no show") shall result in a fee of [~~\$25~~] \$50 per unit.
- (4) Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in a fee of [~~\$25~~] \$50 per unit.
- (5) Cancellation of a scheduled inspection for the unit more than once or after a "no show" ("second cancellation") shall result in a fee of [~~\$25~~] \$50 per unit.

B. Fees prescribed under this section for failure to appear at, and cancellation of, a scheduled inspection may be waived at the discretion of the Chief of the Department of his designee for good cause shown.

C. Unpaid fees shall be subject to the placement and recording of a lien by the City of Albany against the inspected property.

Section 2. This ordinance shall take effect immediately.

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

Ordinance Number 37.52.11

AN ORDINANCE AMENDING SECTION 359-22 (PARKING, STANDING AND STOPPING RESTRICTIONS) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE PARKING OF DUMPSTERS

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

Section 1. Section 359-22 of Chapter 359 of the Code of the City of Albany is hereby amended by adding thereto a new subsection (K) to read as follows:

(K) Park or cause to be parked on city streets, a dumpster without reflective markings or other similar warning devices to alert motorists to the existence of the dumpster at night.

Section 2. This ordinance shall take effect immediately.

Council Member Sano asked for passage of ORDINANCE NUMBER 33.51.11 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$325,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$325,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PUMPER TRUCK APPARATUS), which had been previously introduced.

Note: Council Members Calsolaro, Konev, Commisso, Sano, Conti and Freeman spoke on the ordinance prior to passage.

Ordinance Number 33.51.11 was Co-Sponsored by Council Member Freeman.

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

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

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

Resolution Number 25.52.11(MC)

RESOLUTION HONORING BROTHER ALOYSIUS MYERS FOR HIS LIFE AS AN EDUCATOR IN THE CITY AND COUNTY OF ALBANY

WHEREAS, Brother Aloysius Myers “Brother Al” became a member of the Brothers of the Christian Schools in August, 1947 and he received a Bachelor of Science in Education Degree from Manhattan College in 1951; and

WHEREAS, “Brother Al” began his teaching career in Albany at the La Salle School in 1951 and he was assigned to teach at Christian Brothers Academy (CBA) in Albany beginning in 1952; and

WHEREAS, “Brother Al” was appointed principal of the junior high school at CBA in 1957, and remained in that position until he moved to the high school division in 1967; and

WHEREAS, in 1969 “Brother Al” was assigned to Bishop Bradley High School in Manchester, NH where he taught and directed the Brothers Community until 1974 when he returned to CBA Albany where he was Director of Guidance until March of 2011; and

WHEREAS, “Brother Al” was more than a teacher, principal and guidance counselor; he was the living embodiment of CBA Albany; and he is beloved today by his students and by many members and leaders of the greater Albany community; and

WHEREAS, “Brother Al” took on virtually every role at the school and dedicated so much of himself to the CBA community and he made such an impression on the young students whose lives he touched.

NOW, THEREFORE, BE IT RESOLVED, that upon the death of Brother Aloysius Myers on May 12, 2011, the Common Council of the City of Albany pauses in its deliberations to recognize the contributions of this remarkable educator for his many years of service to the students of Christian Brothers Academy, and to the community of the greater Albany area.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Conti asked and received majority consent to add Resolution Numbers 24.52.11R, 25.52.11R, and 26.52.11R to the pending agenda, which was approved by majority voice vote.

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

RESOLUTION NUMBER 24.52.11R (MC)

RESOLUTION COMMEMORATING THE MAIMONIDES HEBREW DAY SCHOOL OF THE CAPITAL DISTRICT'S ANNUAL SCHOLARSHIP TRIBUTE DINNER

WHEREAS, it is the sense of this Council to recognize and commend those institutions and individuals of commitment and high achievement whose purpose and endeavor have been dedicated to the pursuit of excellence in the education of the children of this great city; and

WHEREAS, religious institutions, and the many spiritual, social and educational benefits they confer, play a vital role in the development of the moral fabric of a responsible citizenry; and

WHEREAS, it is the tradition of this City and State to pay tribute to those institutions and individuals who have contributed to the ethical and spiritual values of their communities; and

WHEREAS, at the Annual Scholarship Tribute Dinner the Maimonides Hebrew Day School will honor Linda Berger Spivack with the Berger Memorial Award. Bruce Lorence will receive the Baruch Shenatan Torah Award. The “People of the Book” Awardees will include Dr. Jeffrey Berman, Miriam Biskin, Rabbi Herbert Bomzer, Bob Herman, Sylvie Kantorovitz, Marlene Rosenfield-Crawford, Jackie Morse-Kessler, Joseph Krausman, Lyn Miller-Lachmann, Linda Elovitz Marshall, Marlene Newman, Vera Propp, Hy Rosen, BJ Rosenfeld, Faye Siltan, and Dr. Suzanne Vroman; and

WHEREAS, the greatest asset of any society is its children and the hope and promise they represent for the future. Maimonides Hebrew Day School of the Capital District has a proud and rich history of providing its students with an educational and religious foundation which is both strong and enduring.

RESOLVED, that this Council pause in its deliberations to honor the Maimonides Hebrew Day School of the Capital District and the individuals it has chosen as award winners.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed be transmitted to the Maimonides Hebrew Day School of the Capital District.

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

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

Affirmative 14 Negative 0 Abstain 0

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

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WHEREAS, Brother Aloysius Myers “Brother Al” became a member of the Brothers of the Christian Schools in August, 1947 and he received a Bachelor of Science in Education Degree from Manhattan College in 1951; and

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WHEREAS, “Brother Al” took on virtually every role at the school and dedicated so much of himself to the CBA community and he made such an impression on the young students whose lives he touched.

NOW, THEREFORE, BE IT RESOLVED, that upon the death of Brother Aloysius Myers on May 12, 2011, the Common Council of the City of Albany pauses in its deliberations to recognize the contributions of this remarkable educator for his many years of service to the students of Christian Brothers Academy, and to the community of the greater Albany area.

**Note: Council Member O’Brien 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, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

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

Resolution Number 26.52.11(MC)

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND
COMMEMORATING “SAY IT LOUD! BLACK & LATINO GAY PRIDE”**

WHEREAS, in Our Own Voices celebrated the first *Say It Loud! Black & Latino Gay Pride* in June of 2007, with a one-day celebration that consisted of a screening of the film “Paris is Burning”, a block party get together in Washington Park, and an after party at the Fuze Box in Albany; and

WHEREAS, over the years, *Say It Loud!* has grown to span an entire weekend, and offer a variety of events, including a drug and alcohol free dance party, and a Sunday brunch, in addition to the staples of the Saturday celebration and after party; and

WHEREAS, the weekend has also grown to include over 1,500 participants and draws Lesbian, Gay, Bisexual and Transgender People of Color (LGBT POC) from all over the Capital Region; and

WHEREAS, *Say It Loud!* is an opportunity for LGBT POC to come together in solidarity to celebrate their individuality, diversity and strengths; and

WHEREAS, in addition to the fun-filled activities offered throughout the weekend, the main objective of Black & Latino Gay Pride is to promote the health and well-being of the LGBT POC community which is the most medically underserved population in the United States; and

WHEREAS, according to the Empire State Pride Agenda's 2009 Needs Assessment, LGBT POC experience more barriers to accessing health care than do other communities; and

WHEREAS, as a result, LGBT POC are less likely to seek preventative healthcare services and are at a higher risk for depression, drug abuse, and other destructive behaviors; and

WHEREAS, *Say It Loud!* seeks to support these issues through the Health & Wellness Expo, a gathering of health and human service providers from area organizations, which provides information and resources related to healthcare, safer sex, domestic violence, HIV/AIDS prevention and treatment, mental health and substance abuse; and

WHEREAS, this year's *Say It Loud!* will be celebrated on the weekend of June 3 through 5.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby recognize this celebration and the contributions of the lesbian, gay, bisexual and transgender community of color to our city, and the important work of In Our Own Voices, and does extend its congratulations and best wishes for a successful "*Say it Loud! Black and Latino Gay Pride*" celebration.

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

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

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 Smith clarified a comment made during public comment, that the Council does not get overtime nor does the Council utilize City resources outside of electricity and copy paper when holding meetings to address issues of concern to the public.

Council Member Sano thanked Mr. Bud Pape from Albany High School for recommending students to participate in the Council's Annual Youth In Government Program and he wished Mr. Vincent Riguso a happy birthday.

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 May 16th, 2011.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL