

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

**Monday, June 1, 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, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Smith, and Timmons.

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

Council Member Timmons led the Pledge of Allegiance.

**PUBLIC COMMENT PERIOD**

1. Dennis Gaffney, 51 Lawnridge Ave., Albany, NY 12206 (Albany Public Library)
2. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Various Issues)
3. James Waugaman, 86 Clinton Ave., Albany, NY 12210 (Tivoli Lake Grant)
4. Anton Konev, 268 Washington Ave. Apt.1H, Albany, NY 12203 (Vacant Buildings)
5. Veronica Murray, Myrtle Ave., Albany, NY (Tivoli Lake)

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**

**Planning, Economic Development and Land Use** – Council Member Herring stated that the committee would be meeting on Wednesday, June 3, 2009 to discuss appointments to the Planning Board and the Historic Resources Commission.

**Housing and Community Development** – Council Member McLaughlin stated the committee would be meeting to discuss CDBG Stimulus funding and asked members of the committee to meet with her regarding availability .

**CONSIDERATION OF ORDINANCES**

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

**CONSIDERATION OF RESOLUTIONS**

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

**Resolution Number 58.61.09R**

**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  
(CATHERINE STREET SIDEWALK [P.I.N. 1758.24])**

**WHEREAS**, a Project for the Spot Improvement: Catherine Street from South Hawk to South Swan, City of Albany, P.I.N. 1758.24 (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 additional sum of \$144,540.00 (One hundred forty four thousand five hundred forty dollars and no cents) is hereby appropriated pursuant to Ordinance No. 5.21.09 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.

*Resolution Number 58.61.09R was Co-Sponsored by Council Member McLaughlin.*

*\*Note: There was discussion from Council Member Calsolaro regarding sidewalk construction being done in 2007 on other blocks of Catherine Street and children using this street to get schools.*

**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, Smith and Timmons

Affirmative 13 Negative 0 Abstain 0

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

**Resolution Number 59.61.09R**

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CITY OF ALBANY'S DEPARTMENT OF DEVELOPMENT AND PLANNING IN ITS APPLICATION TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION'S GREEN INNOVATION GRANT PROGRAM, UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

**WHEREAS**, the City of Albany's Department of Development and Planning is applying to the New York State Environmental Facilities Corporation for funding under the 2009 Green Innovation Grant Program for a grant in the amount of \$1,063,971.00, to aid in the implementation of a project entitled the Patroon Creek Daylighting and Tivoli Lake Restoration Project; and

**WHEREAS**, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located. The City of Albany Common Council hereby approves and endorses the grant application for its stated purpose to improve the water quality of Tivoli Lake and Patroon Creek and other stated purposes. As stated in the grant application, all necessary efforts will be made to assure that such daylighting of Patroon Creek will not introduce additional contaminants into Tivoli Lake.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany does hereby approve and endorse the application of the Department of Development and Planning for a grant from the New York State Environmental Facilities Corporation for funding under the 2009 Green Innovation Grant Program for a grant in the amount of \$1,063,971.00, to aid in the implementation of a project entitled the Patroon Creek Daylighting and Tivoli Lake Restoration Project.

*\*Note: There was discussion from Council Member Smith stating she was comfortable passing this resolution. There was discussion from Council Member Ellis regarding the Council not being updated on regular basis for grant applications and the people from the community not being informed. He discussed still having concerns with pollutants flowing into the lake. There was discussion from Council Member Calsolaro regarding getting the information late and the council should be voting on a final document not a draft document.*

*Resolution Number 59.61.09R was co-sponsored by Council Member Timmons*

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

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

Present -- Ellis

Affirmative 12 Negative 0 Abstain 0 Present 1

**Council Member Conti asked and received majority consent to add Resolution Number 60.61.09R to the**

**pending agenda, which was approved by unanimous voice vote.**

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

**Resolution Number 60.61.09R(MC)**

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND COMMEMORATING CAPITAL PRIDE 2009 AND "SAY IT LOUD! BLACK AND LATINO GAY PRIDE '09"**

**WHEREAS**, the month of June is nationally recognized and celebrated as Lesbian, Gay, Bisexual and Transgender Pride Month in commemoration of the 1969 Stonewall Riots in New York City which marks the birth of the modern day LGBT human rights movement; and

**WHEREAS**, 2009 marks the 40<sup>th</sup> anniversary of Stonewall and the 39<sup>th</sup> anniversary of the founding of the Tri-Cities Gay Liberation Front which two years later evolved into the Capital District Gay and Lesbian Community Council; and

**WHEREAS**, Albany is the home of the oldest continuously operating LGBT community center in the nation, located at 332 Hudson Avenue, and was the site, in 1971, of the first march on a state capital for lesbian and gay civil rights; and

**WHEREAS**, Albany and the Capital District respect and appreciate the diversity of its community and the variety of races, religions, genders, backgrounds and sexual orientations among its residents; and

**WHEREAS**, the volunteers of the Capital District Gay and Lesbian Community Council have organized a series of activities from Wednesday, June 3, 2009 through Sunday, June 14, 2009 marking a celebration of lesbian, gay, bisexual and transgender pride across the Capital District; and

**WHEREAS**, "Say it Loud! Black and Latino Gay Pride '09", organized by In Our Own Voices, will be celebrated with events from Friday, June 5 through Sunday, June 7; and

**WHEREAS**, this celebration will culminate with a parade and festival, co-sponsored by the City of Albany, in Washington Park on June 14; and

**WHEREAS**, it is appropriate for this body to pause in its deliberations to recognize the 40<sup>th</sup> anniversary of Stonewall, Capital Pride 2009 and the celebration of 39 years of pride in the Capital District that it represents and "Say it Loud! Black and Latino Gay Pride '09".

**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 to our city and does extend its congratulations and best wishes for successful Capital Pride 2009 and "Say it Loud! Black and Latino Gay Pride '09" celebrations.

*\*Note: There was discussion from Council Member Conti regarding the celebrations and invited members to join the parade on June 14 and to co-sponsor the resolution.*

**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, Smith and Timmons

Affirmative 13 Negative 0 Abstain 0

Council Member Rosenzweig asked for passage of RESOLUTION NUMBER 51.52.09R (RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CLIMATE SMART COMMUNITY PLEDGE), which had been previously introduced.

*Resolution Number 51.52.09R was Co-Sponsored by Council Members Igoe, O'Brien, Sano, 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, Smith and Timmons

Affirmative 13 Negative 0 Abstain 0

Council Member Sano asked for passage of RESOLUTION NUMBER 48.51.09R(MC) (AUTHORIZING THE IMPLEMENTATION AND FUNDING OF THE WASHINGTON AVENUE RESURFACING ECONOMIC RECOVERY PROJECT(S), CALLING FOR 100% FEDERAL-AID UNDER TITLE 23 U.S. CODE AND APPROPRIATING FUNDS THEREFOR), 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, Smith and Timmons

Affirmative 13 Negative 0 Abstain 0

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

**MISCELLANEOUS AND UNFINISHED BUSINESS**

Council Member McLaughlin 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, 2010, AND WAIVE THE READING OF THE NAMES:**

Nitido, Thomas P, 571 Providence St, Albany, NY 12208  
Saunders, Wendy E, 571 Providence St, Albany, NY 12208

Council Member Rosenzweig discussed tabling the ticket investigation after this round of testimony until the State Comptroller's report is completed and begin developing the Council's recommendations. He discussed it being imperative to get involved in the budget process earlier. He discussed other things the Council could be looking at like the landfill and green alternatives.

Council President Morris discussed doing a draft report on where the investigation stands now.

Council Member Conti discussed taking stock of where the Council is now and where it stands on the information given to Council.

There was discussion amongst the Council regarding when the State Comptroller's investigation began.

Council Member Calsolaro discussed trying to have meetings earlier in the budget process. He discussed being honored by the Capital District Are Council of Churches for work done on the Gun Violence Task Force (GVTF). He thanked the Council for their support with regards to the GVTF.

Council Member O'Brien discussed the Solid Waste Management Plan (SWMP) committee being in place and their discussions on methods of composting.

Council Member Conti discussed the budget process and not getting responses from memorandums sent to department heads. There was discussion on special events and how the city delivers services.

## **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 June 1<sup>st</sup>, 2009.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL