

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, June 7, 2010

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, Sano, and Smith.

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

Council Member Konev led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Melanie Trimble, NY Civil Liberties, 90 State Street, Albany, NY 12207 (Resolution 62.61.10R)
2. Ira McKinley, 91 Clinton St., Albany, NY 12202 (South End/Public Access)
3. Tim Garrity, Pharmacist (Support Ordinance 50.41.10)
4. Victor Jarvis, 150 Fourth Ave., Albany, NY 12202 (True Help Inc.)
5. Tim Truscott, 131 Jay St., Albany, NY 12210 (Support Ordinance 50.41.10)
6. Chris Pagano, 41 Barclay St., Albany, NY 12209 (Support Ordinance 50.41.10)
7. Amanda Brazee, 821 Park Ave., Albany, NY 12208 (Pesticide Ordinance)

Council Member Conti made a motion to extend Public Comment Period an additional 10 minutes, which was approved by unanimous voice vote.

8. Tom Ellis, 43 N. Pine Ave., Albany, NY 12203 (Resolution 39.41.10R)
9. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Support 16.21.10R)

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 May 17th, 2010 meeting, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

Council Member Konev moved to withdraw Local Law N- 2010.

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

REPORTS OF STANDING COMMITTEES

Public Safety – Council Member Smith stated the committee met on June 1, 2010 and all Committee Members were present. The Committee discussed Local Law B-2010, which was held for further discussion, Local Law N-2010, which was withdrawn from the agenda, and Local Law O-2010, which was also held for further discussion. She stated that Resolution 47.42.10R received unanimous positive recommendations. The CPRB inspectors were present with the exception of one, who was unable to attend. The Committee had a discussion with members of the CPRB. She stated that Deputy Chief Krokoff, Commander Matos and Corporation Counsel were also present.

Planning, Economic Development and Land Use – Council Member Herring stated that the Committee would be meeting on June 8, 2010 at 5:30pm to discuss Ordinances 9.12.10(Entertainment Permits), 12.12.10 (External Fuel Burning and Heating Devices), and 13.12.10 (Front Yards).

General Services, Health and Environment – Council Member O’Brien stated that the Committee would be meeting on June 14, 2010 to have a presentation on the proposed Solid Waste Management Plan. He stated the Committee would be meeting on June 24, 2010 to discuss UAlbany’s proposal to tap into the sewer line and that SUNY representatives have been invited.

Law, Buildings and Code Enforcement – Council Member Igoe stated that the Committee met on May 25, 2010 to discuss Ordinance 50.41.10 in relation to fireworks, which received a favorable recommendation with amendments. He stated that Ordinance 49.41.10 in relation to shopping carts and Ordinance 63.51.10 in relation to vehicle towing was held for further discussion.

REPORTS OF AD HOC COMMITTEES

Cable Access – Council Member Rosenzweig stated that the RFP process for a PEG Access Co-ordinator is closed and there were four applicants. He stated once a person is selected, the Ad Hoc Committee will schedule a meeting to discuss the oversight board for PEG Access TV.

Pesticide Ordinance – Council Member Golby thanked Council Member Conti for appointing the Ad Hoc Committee on the Pesticide Ordinance. She stated that she is looking forward to working with Members on the Committee. She thanked Ms. Brazee and Ms. Tobin for informing her of the spraying at Ridgefield Park.

CONSIDERATION OF ORDINANCES

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

Ordinance Number 73.61.10

AN ORDINANCE AMENDING ARTICLE II (TAXICABS AND HACKS) OF CHAPTER 353 (VEHICLES FOR HIRE) IN RELATION TO TAXI DISPATCHERS

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

Section 1. Article II of Chapter 353 of the Code of the City of Albany is hereby amended by adding thereto new Sections 353-49.2 – 353-49.6 to read as follows:

§ 353-49.2. License required.

Except as hereinafter set forth, no person shall work as a taxicab dispatcher within the City of Albany without first having obtained a dispatcher license.

§ 353-49.3. Application procedure; compliance with additional standards; inspections.

A. An application for a dispatcher license shall be submitted to the Chief of Police.

(1) The application shall contain the following:

(a) The name and address of the applicant, as well as the name and address of the owner of the premises where the taxicab company is located.

(b) A listing of any criminal convictions of the applicant.

(c) Proof that minimal training has been completed.

(2) The Chief of Police may require such additional information as may be necessary in order to enforce and administer this article.

B. Upon receipt of an application for a dispatcher license, the Chief of Police shall investigate the applicant.

§ 353-49.4. License fees.

The fee for a dispatcher license shall be \$75 per year. Payment of the fee shall be due upon application for the license and shall be nonrefundable.

§ 353-49.5. Denial of license.

A. The Chief of Police may deny a license or deny the renewal of a license to any applicant:

(1) Who does not comply with the provisions of this article or any rule or regulation promulgated under this article.

(2) Who makes a material misrepresentation on a license application.

Matter in ~~strikethrough~~ to be deleted. Matter underlined is new material.

B. The Chief of Police shall give written notification to an applicant of the reason for the denial of a license.

§ 353-49.6. Expiration, renewal, and transferability of license.

A. A dispatcher license shall expire on December 31 of every year.

B. A licensee shall submit to the Chief of Police an application for renewal not less than 30 days prior to the license expiration date.

C. No license shall be transferred to another person or vehicle.

Section 2. This ordinance shall take effect immediately.

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

Ordinance Number 74.61.10

AN ORDINANCE AMENDING ARTICLE II (TAXICABS AND HACKS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MEDICABS AND MAXIMUM OCCUPANCY

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

Section 1. Section 353-14 of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:

TAXICAB

A motor vehicle other than a bus, used to carry passengers for hire and operated in such manner under a medallion or permit issued by a local authority and registered for such use pursuant to the Vehicle and Traffic Law of the State of New York. The term "taxicab" shall include vehicles commonly known as 'medi-cabs.'

Section 2. Section 353-28 of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:

B. Before any taxicab can initially be placed in operation, such vehicle shall be inspected by the Commissioner as to the requirements listed in Subsection A(1) and (2) above, and no taxicab medallion will be issued for such vehicle until it has been found that the exterior and interior of such vehicle is clean, fit and of good appearance. At such time of inspection, the commissioner shall also provide a certificate stating the maximum passenger capacity for the vehicle. The Commissioner shall inspect all taxicabs for these requirements twice a year.

Section 3. This ordinance shall take effect immediately.

Council Members Fahey, Conti and Konev moved to amend Ordinance 50.41.10, and as amended, asked for passage and a roll call vote thereon:

Ordinance Number 50.41.10 (As Amended)

AN ORDINANCE AMENDING SECTION 197-16 (PERMIT REQUIRED) OF CHAPTER 197 (FIRE PREVENTION) OF THE CODE OF THE CITY OF ALBANY TO PROHIBIT FIREWORKS WITHIN 1,800 FEET OF ANY HOSPITAL

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

Section 1. Section 197-16 of Chapter 197 of the Code of the City of Albany is hereby amended to read as follows:

§ 197-16. Permit required.

No display of fireworks or other pyrotechnics shall be conducted within the City of Albany without a permit therefore, obtained from the City of Albany Department of Fire. Fireworks shall not be discharged within 1,800 feet of any hospital

Section 2. This ordinance shall take effect immediately.

Note: Council Members Igoe, Conti, Fahey, Calsolaro, Sano and Smith spoke on this legislation prior to passage.

Ordinance Number 50.41.10(As Amended) was Co-Sponsored by Council Members Bailey, Calsolaro, Golby, Sano and Smith.

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, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Konev asked for passage of ORDINANCE NUMBER 72.52.10(MC) (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF PERMANENT EASEMENTS TO THE CITY SCHOOL DISTRICT OF ALBANY OVER AND UPON PORTIONS OF THE CITY RIGHT-OF-WAYS OF WESTERN AVENUE, ROBIN STREET AND WASHINGTON AVENUE IN 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 – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 15 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, Calsolaro, Conti, Fahey, Golby, Jenkins-Cox, and O'Brien offered the following, asked for passage and a roll call vote thereon:

Resolution Number 62.61.10R

RESOLUTION IN SUPPORT OF THE UNITING AMERICAN FAMILIES ACT

WHEREAS, a primary goal under U.S. immigration law is family unification and the ability of families and individuals to reside legally in the U.S., engaging fully in our country's rich civic traditions and form of government; and

WHEREAS, the City of Albany celebrates and respects all immigrant groups and all families, including those of same-sex gay and lesbian partners; and

WHEREAS, current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign-born partner by not allowing the sponsorship of the foreign partner for immigration benefits, although an opposite-sex couple would have the right to do so; and

WHEREAS, this form of discrimination and unfair treatment under the law has devastating and life-altering consequences for same-sex partners; and

WHEREAS, the inability to sponsor a same-sex partner leaves the couple with the following limited options: 1. Seek a visa, independent of the partnership, for the foreign-born partner, creating a limited duration of legal stay; 2. Choose to allow the foreign-born partner to remain undocumented or allow a visa to lapse, creating daily uncertainty and fear of deportation; 3. Choose to remain in a costly long-distance international relationship; 4. Choose to live abroad in the foreign partner's country, if allowable; or, 5. Terminate the relationship; and

WHEREAS, the limited legal options for same-sex partners to keep their relationship unified exacts an enormous emotional, financial, and mental toll, disproportionate to opposite-sex couples in bi-national relationships; and

WHEREAS, beyond the personal challenges to same-sex couples, the City of Albany and the entire country risk a great loss of talent should the foreign partner and/or the U.S. citizen or lawful permanent resident be forced to depart the U.S. to keep the relationship whole in another country; and

WHEREAS, currently pending in the United States Congress is the Uniting American Families Act (H.R. 1024/S.424), reintroduced on February 12, 2009, by Representative Jerrold Nadler (D-NY-8) and Senator Patrick Leahy (D-VT). The purpose of this bill is "to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships"; and

WHEREAS, the Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite sex relationships and all legal requirements of qualifying under the statute and proving the good faith nature of their relationship would remain; and

WHEREAS, the Uniting American Families Act would bring U.S. immigration law in line with the 21 other countries that already recognize same sex partnerships for immigration purposes: Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom; and

WHEREAS, the City of Albany fully supports the measures of Congress to allow gay and lesbian partners to access immigration benefits in an equal and fair manner, equivalent to opposite sex partners who currently enjoy such legal rights.

NOW, THEREFORE, BE IT RESOLVED, that the Albany Common Council, does hereby express its strong support for the passage of the Uniting American Families Act, or other laws that will end discrimination for bi-national same-sex partners under the immigration laws and will allow gay and lesbian residents of the City of Albany fair and equal access to immigration benefits through their permanent partnerships.

BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Honorable Nancy Pelosi, Speaker of the United States House of Representatives; Honorable Harry Reid, Leader of the Senate; Honorable Charles Schumer, United States Senator; Honorable Kirsten Gillibrand, United States Senator; Honorable Paul Tonko, United States Representative, and Honorable Joseph Biden, Vice-President of the United States and President of the United States Senate.

**Note: Council Member Smith spoke on this legislation prior to passage.*

Resolution Number 62.61.10R was Co-Sponsored by Council Members Bailey, Freeman 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, O’Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Calsolaro offered the following, which was held:

Resolution Number 63.61.10R

RESOLUTION DIRECTING DRIVERS OF CITY-OWNED VEHICLES TO REDUCE ENGINE IDLING TIME

WHEREAS, in December of 2009 the Common Council passed an ordinance restricting the idling of commercial vehicles for more than five minutes; and

WHEREAS, reducing engine idling is an important way to reduce air pollution in the City of Albany. In the 2009 report, Albany County received a failing grade for air quality; and

WHEREAS, the City of Albany owns and operates a number of commercial vehicles that should comply with the code restriction on engine idling for benefit of the citizens of Albany.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council directs all city employees to comply with City of Albany Code Section 359-22(J) and not to idle the engines of city vehicles beyond five minutes.

Council Member Konev offered the following, which was referred to the Council Operations and Ethics Committee:

Resolution Number 64.61.10R

RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL ENDORSING ANDREW CUOMO'S NEW NY PLAN

WHEREAS, the people of New York deserve a government that works, for a change, not a government paralyzed by partisan politics and plagued by ethical scandals. We love New York and are willing to fight for the fundamental reforms necessary to restore competence and integrity in government and regain the public's confidence; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany endorses the following points in the New NY Plan as created by Andrew Cuomo:

1. Clean Up Albany. We must restore honor and integrity to government, with tough new ethics standards, expanded disclosure requirements, independent investigators to root out and punish corruption, and an overhaul of campaign finance laws. We must remove legislative redistricting from partisan elected politicians and place it in the hands of an independent commission that works only for the people. And we must hold a constitutional convention – A People's Convention – to rewrite the Constitution and make these changes immediately because we cannot wait any longer for the state legislature to act.

2. Get Our Fiscal House in Order. We must get our State's fiscal house in order by immediately imposing a cap on state spending and freezing salaries of state public employees as part of a one-year emergency financial plan, committing to no increase in personal or corporate income taxes or sales taxes and imposing a local property tax cap. We must also eliminate mandates that make it impossible for school districts and localities to contain costs.

3. Rightsizing Government. Government in New York is too big, ineffective and expensive. We must enlist the best private sector minds to help overhaul our more than 1,000 state agencies, authorities and commissions and reduce their number by 20 percent. We must make it easier to consolidate or share services among our more than 10,000 local governments.

4. NY Works. We must make New York the jobs capital of the nation and get unemployed New Yorkers back to work. We will give businesses a tax credit of up to \$3,000 for each unemployed New Yorker hired for a new job. We must also replace New York's ineffective economic development efforts with a new strategy organized around regional industry clusters; reduce the high costs of doing business in the state; and support small businesses by increasing access to capital and streamlining regulatory barriers.

5. NY Leads. New York has been a national leader in protecting and advancing individual rights and safeguarding the future of its citizens. To remain so, we must protect a woman's right to choose, achieve marriage equality, enact tough anti-discrimination laws,

truly regulate Wall Street, attract the best and the brightest to government, leave our children a cleaner and greener world, and continue to oppose the death penalty.

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 Governor David Paterson, Senate Majority Leader Pedro Espada Jr., Assembly Speaker Sheldon Silver, Assembly Majority Leader Ronald Canestrari, Senate President Pro Tempore Malcolm Smith, Senate Democratic Leader John Sampson, Attorney General Andrew Cuomo.

Council Member Igoe offered the following, which was held:

Resolution Number 65.61.10R

RESOLUTION OF THE COMMON COUNCIL ADOPTING THE ALBANY COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

RESOLVED, that the Common Council of the City of Albany hereby adopts the Albany County Multi-Jurisdictional Hazard Mitigation Plan, as set forth by Resolution 357 of 2009 by the Albany County Legislature.

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

Resolution Number 66.61.10R

RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND COMMEMORATING CAPITAL PRIDE 2010 AND "SAY IT LOUD! BLACK AND LATINO GAY PRIDE"

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, 2010 marks the 40th anniversary of the founding of the Tri-Cities Gay Liberation Front in 1970 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 Tuesday, June 1 through Sunday, June 13 marking a celebration of lesbian, gay, bisexual and transgender pride across the Capital District; and

WHEREAS, "Say it Loud! Black and Latino Gay Pride", organized by In Our Own Voices, will be celebrated with events from Friday, June 4 through Sunday, June 6; and

WHEREAS, this celebration will begin with the official Capital Pride Flag Raising at Albany City Hall on June 1 and culminate with a parade and festival, co-sponsored by the City of Albany, in Washington Park on June 13; and

WHEREAS, it is appropriate for this body to pause in its deliberations to recognize Capital Pride 2010 and the celebration of 40 years of pride in the Capital District that it represents and “Say it Loud! Black and Latino Gay Pride”.

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 2010 and “Say it Loud! Black and Latino Gay Pride” celebrations.

**Note: Council Member Conti spoke on this legislation 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, O’Brien, Rosenzweig, Sano, and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Smith asked for passage of RESOLUTION NUMBER 47.41.10R (RESOLUTION OF THE COMMON COUNCIL APPROVING NEW INVESTIGATORS FOR THE CITIZENS’ POLICE REVIEW BOARD), 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, Sano, and Smith

Negative – Freeman

Affirmative 14 Negative 1 Abstain 0

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 amended to have a name removed due to an incomplete address and then 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:

- ~~Dixon, Clifton M., 29 2nd St., Albany, NY 12210~~
- Hyacinthe, Avril, 14 N Manning Blvd., Apt #B-32, Albany, NY 12206
- Johnson, Clarence Samuel, 85 Dane Ct., Latham, NY 12110
- Kresler, Keri A, 14 Summit Ave., Albany, NY 12209
- Kuchta, Kahla, 69 Lawn Ave., Albany, NY 12204
- Roland, Baryon P, 78 Glendale Ave., Albany, NY 12208

**Note: The name with the strikethrough will be added to the next meeting agenda for approval.*

Council Member Sano made remarks regarding the need to erase hard drives of leased Xerox machines.

Council Members Freeman, O'Brien, Calsolaro, Igoe, Konev, Rosenzweig, Smith, Council Member McLaughlin and Ass't. Corporation Counsel Jordan made remarks regarding Police Department protocols on public access to videotapes from mounted police vehicle cameras.

ADJOURNMENT

Council President Pro Tempore 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 June 7th, 2010.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL