

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, June 15, 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, Scalzo, Smith, and Timmons.

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

Council Member Conti led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Various Issues)
2. Paul A. Koren, Jr., 100 Braintree St., Albany, NY 12205 (Non-Medallion Taxis)
3. Vincent Rigusoi, 13 Beach Ave., Albany, NY 12003(Various issues)

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 met on Wednesday, June 3, 2009 to discuss the appointments to the Planning Board and the Historic Resource Commission. Mr. Wagner was unable to attend the meeting. He stated that Ryan Hancox, Edward Trant and Evril Clayton, Jr. were all favorably recommended.

Housing and Community Development – Council Member McLaughlin stated that the committee met prior to tonight's meeting to discuss CDBG Stimulus funding. She stated the committee heard input from the community even though no one was present from the Albany Development and Planning Department.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on Cable Access – Council Member Rosenzweig stated that he spoke with Corporation Counsel's Office about the status of negotiations with Time Warner Cable. He stated that there is one component that's holding things up and that hopefully with continued dialog everything would get worked out.

CONSIDERATION OF ORDINANCES

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

Ordinance Number 48.62.09

AN ORDINANCE ESTABLISHING A NEW CHAPTER 261 (PLUMBING) OF THE CODE OF THE CITY OF ALBANY

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

Section 1. Chapter 261 of the Code of the City of Albany entitled “Plumbing” is hereby repealed in its entirety and a new Chapter 261 entitled “Plumbing” is hereby added to read as follows:

CHAPTER 261. PLUMBING

§ 261-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATOR

The Director of the Building Department or his/her designee.

APPRENTICE

A person employed by a licensed plumber performing plumbing work for which a permit is required under the direct and immediate supervision of a journeyman plumber. An "apprentice" must be at least 18 years of age.

APPRENTICE TRAINING PERMIT

A permit issued by the Board. It allows a person to be employed by a licensed plumber to do plumbing work for which a permit is required, under the supervision of a journeyman plumber.

EXAMINING BOARD OF PLUMBERS

The Examining Board of Plumbers, or Board, hereinafter provided to be appointed by the Mayor of the City of Albany.

JOURNEYMAN PLUMBER

A person who meets any of the following qualifications:

A. Five years' experience doing plumbing work for which a permit is required under the supervision of a licensed plumber.

B. Four years' experience doing plumbing work for which a permit is required under the supervision of a licensed plumber plus the equivalent of one year of schooling at an accredited trade school or in an approved apprentice training school.

JOURNEYMAN PERMIT

A permit issued by the Board. It allows a person with the requisite journeyman plumber qualifications to supervise apprentice plumbers as provided in this article.

PLUMBER

A person who has passed the examination given by the Examining Board of Plumbers and who holds a valid license issued in accordance with the provisions of this article.

There shall be two (2) classes of licenses to be known respectively as Class A and Class B as follows: Any person may upon the recommendation of the Examining Board receive a Class B license covering a single job or installation, which license shall not be good for more than one (1) location or property nor for more than one (1) continuous job therein. All other persons engaged in the trade, business or calling of plumbing in the City of Albany shall be required to obtain a Class A license.

PERSON

A natural person, corporation, partnership, association, joint venture or any other entity however termed.

§ 261-2. Examining Board of Plumbers.

A. There is hereby created a Board to be known as the "Examining Board of Plumbers," which shall consist of five (5) members to be appointed by the Mayor, of whom two (2) and only two (2) shall be an employing or master plumber of not less than ten (10) years' experience each, and one (1) and only one (1) of whom shall be a journeyman plumber. The remaining members shall be the Chief Inspector of Plumbing for the City of Albany and the engineer having charge of sewers in and for the City of Albany. The term of office for each member of such Board shall be three years from the first day of January following his appointment. Vacancies occurring by expiration of term shall be filled by the Mayor for a full term. Vacancies by death, removal, inability to act, resignation or removal from the City of any member shall be filled by him for the unexpired term. The Chief Inspector of Plumbing and Drainage and the engineer in charge of sewers shall be ex officio members of such Board, and when they shall cease to hold their offices by reason or on account of which they were so designated for appointment, their successors shall act on the Examining Board in their stead. Any member or members may be removed by the Mayor for malfeasance in office, incapacity or neglect in duty. Such Board shall elect its own Chairman and Secretary. A majority shall constitute a quorum to transact the business thereof. The Board shall meet at least once each month and shall have authority to hold special meetings ff, in the opinion of the Chairman or a majority, such are desirable for the proper and efficient discharge of the business of such Board. It shall adopt such rules and regulations for the examination of all persons who desire to obtain a license as hereinafter required. The nature of the examinations to be conducted under this chapter shall be determined by the Examining Board, which shall examine the applicants as to their qualifications and fitness to receive a license to engage in the business of plumbing. Plumbers and journeymen plumbers serving as members of such Board shall receive such compensation as shall be determined by the Board of Estimate and Apportionment.

B. The Examining Board of Plumbers shall have power and it shall be its duty to:

(1) Have jurisdiction over and examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing or plumbers in the City of Albany, with the power to examine persons applying for licenses as such employing or master plumbers or as inspectors of plumbing to determine their fitness and qualifications for conducting the business of plumbers or to act as inspector of plumbing and issue licenses to all such persons who shall have passed said examination before such Board and shall be, by it, determined to be qualified for conducting business as employing or plumbers or competent to act as inspectors of plumbing.

(2) Formulate, in conjunction with the local Board of Health, a code of rules regulating the work of plumbing and drainage in the City of Albany, including the materials, workmanship and manner of execution of such work, and from time to time add to, amend or alter the same.

(3) Charge and collect from each person applying for examination the sum of \$100 for each examination made by such Board, and all moneys so collected shall be paid over by the Board monthly to the City Treasurer.

(4) Have jurisdiction over and issue apprentice training and journeyman identification cards. An apprentice training identification card allows a person to be employed by a licensed plumber to do plumbing work under the supervision of a licensed plumber. A journeyman identification card allows a person with the requisite journeyman plumbing qualifications to install plumbing under the supervision of a licensed plumber.

(5) Adopt rules and regulations to govern its actions in exercising its powers and duties. A majority vote of the whole Board is required for the adoption or amendment of any rule or regulation. Twenty days' written notice of any proposed amendments to the rules and regulations must be given to all Board members.

§ 261-3. Meetings of Board.

The Examining Board of Plumbers shall meet during the three months after the enactment of this chapter and as often as necessary to consider all applications received by it. Thereafter the Examining Board of Plumbers shall meet within 10 days of the receipt of any application from the Administrator. Final action upon any application shall be made by the Examining Board of Plumbers within three weeks after the receipt of the same, and during said three weeks the Administrator, upon the recommendation of the Examining Board of Plumbers, shall grant working permits pending examination.

§ 261-4. Examination for plumber's license required.

Every person desiring to engage in any business or perform any work for which a plumber's license is required and who has the experience required herein for doing so shall appear before the Examining Board of Plumbers and pass an examination as to his or her qualifications and competency for the class of license desired by him or her as required by the provisions of this chapter.

§ 261-5. Deposit for examination.

A deposit equal to the fee for the current calendar year must accompany each application for examination. In case the candidate passes the examination, such deposit shall be retained to cover examination and fee for the current calendar year.

§ 261-6. Application for license.

All applications for a license accompanied with the proper fees shall be presented to the Administrator, who shall, when the license is finally granted by the Examining Board of Plumbers, pay into the treasury of the City of Albany the amount of such fees so received by said Administrator.

§ 261-7. Grading of examinations; issuance of license.

A. The Examining Board of Plumbers shall grade all examinations with not less than two (2) members present, participating in and concurring with the gradings. The Board shall certify to the Administrator the name of each applicant passing an examination and the grade of license for which he was qualified. A minimum grade of seventy percent (70%) shall be required as a passing grade.

B. Upon such certification and the payment of the prescribed fee and evidence of insurance where insurance is required, the applicant shall be issued a license of the grade for which he or she has been certified, which license shall be signed by the Administrator.

§ 261-8. Frequency of examinations; reexaminations.

A. The Examining Board of Plumbers shall conduct examinations at least once each calendar year and in no case more than 12 months from the date of the last test. The Board may conduct tests more frequently as in its determination is appropriate.

B. Applicants failing their first test may be reexamined at the next scheduled test. Applicants failing more than one test may be reexamined at yearly intervals only.

§ 261-9. Period of time to obtain license.

An applicant who has passed an examination for any grade of license must obtain the license by paying the prescribed fee within 30 days of receiving notice of passing said test. Failure to do so will require the applicant to again qualify himself or herself by passing another examination.

§ 261-10. Notification of examination grade; review of examination.

The Examining Board of Plumbers shall notify by mail any applicant of his or her grade within 10 days of the examination. Applicants failing the examination may review their tests at the Building Department for a period of 30 days after receiving notice of failure. All tests will be destroyed after the thirty-day period.

§ 261-11. Qualifications for Class A plumber's license.

- A. Applicants for the master plumber's license examination must meet the following qualifications;
1. They must pay the prescribed fee.
 2. They must possess the following training or experience, said experience defined as 1,800 work hours constitutes one (1) year of experience:
 - a. Either seven (7) years' practical experience under the supervision of a licensed plumber performing work for which a plumbing permit is required; or
 - b. A degree from an accredited trade school and at least five (5) years of practical experience under the supervision of a licensed plumber performing plumbing work for which a permit is required in the City of Albany; or
 - c. A certificate from a New York State approved apprenticeship program, with in-service training totaling 5,000 hours and at least two (2) years of practical experience under the supervision of a licensed plumber performing plumbing work for which a permit is required in the City of Albany; or
 - d. A plumber's license issued by another licensing jurisdiction, with evidence that the applicant has continuous practical experience under that license for at least ten (10) years; or
 - e. Such other schooling or training which the Board finds to be substantially equivalent to any of the above plus the requisite number of years of practical experience under the supervision of a licensed plumber, so that the time of training plus practical experience is seven (7) years. Under this subsection, however, for at least three (3) of the seven (7) years the applicant must have been performing plumbing work under the supervision of a licensed plumber for which a permit would have been required.
- B. The Examining Board of Plumbers, by rule or regulation, shall set forth the types of proof required to prove an applicant's qualifications. Under this section, the experience required may have been under a plumber's licensed by another jurisdiction whose requirements are substantially similar to those required by this article. Although various forms of proof of training and experience may be found acceptable to the Board, the following are typically considered acceptable:
1. Notarized testimony from a licensed plumber, listing dates, duration and total hours worked by the applicant.
 2. Official school transcripts.
 3. Apprenticeship training certificate.
 4. Payroll records or pay stubs with hours worked.
 5. Copies of a plumber's license issued to the applicant by another licensing jurisdiction, along with an itemization of that jurisdiction's requirements for licensing.
 6. Copies of approvals of work issued to the applicant from a recognized inspection agency, listing the work performed and the dates completed.

The Board specifically reserves the right to accept or reject any of the above items as substantiation of an applicant's qualification. Any proof of training or experience must clearly identify the applicant and the individual, agency or institution issuing the document. Documents must be accompanied by dates of service, contact information of the individual, agency or institution and the contact information of an individual familiar with the applicant's work or schooling.

§ 261-12. Issuance of Class A plumber's license.

Upon certification by the Examining Board of Plumbers that an applicant has met all the qualifications to be issued a Class A plumber's license or a Class B plumber's license, the Director of the Division of Buildings and Codes shall issue said applicant a Class A plumber's license or Class B plumber's license, as the case may be.

§ 261-13. Apprentice and journeyman permits.

The Examining Board of Plumbers may, at its discretion, require the issuance of individual permits for apprentice and journeyman plumbers working in the City of Albany. The Board shall promulgate the qualifications required, terms under which such permits may be issued and the fees associated with such permits.

§ 261-14. Qualifications for Class B plumber's license.

- A. In lieu of passing the examination given by the Examining Board of Plumbers, an individual may apply for a Class B plumber's license. The applicant must present to the Board satisfactory evidence that he or she possesses all the qualifications for a Class A plumber's license as set forth in Section 261-12. In addition the applicant must also:
1. Possess a master plumber's license issued by another licensing jurisdiction whose requirements for licensing are substantially equivalent to those set forth in Section 171-32; and
 2. demonstrate that he or she has performed work continuously under the license issued by the other jurisdiction for a period of not less than ten (10) consecutive years.
- B. The Board may accept or reject any evidence of qualification submitted by the applicant. The Board may accept or reject any applicant for a Class B plumber's license, regardless of the applicant's qualifications.

§ 261-15. Insurance requirements.

- A. All holders of plumber's licenses shall carry workmen's compensation insurance, unemployment compensation insurance and disability insurance when required by law.
- B. All holders of such licenses shall furnish proof of bodily injury, public liability and property damage insurance, exclusive of motor vehicles, of not less than one hundred thousand dollars (\$100,000.) for one (1) person injured in any one (1) accident and three hundred thousand dollars (\$300,000.) for more than one (1) person injured in any one (1) accident and property damage insurance of not less than one hundred thousand dollars (\$100,000.) per accident.
- C. Proof of required insurance shall be submitted to the Examining Board of Plumbers at the time of the issuance or renewal of the license.
- D. If a holder of a Class A plumber's licenses be regarded as having an inactive status by the Board, the license holder shall not be obligated to fulfill the above while said license holder is inactive in the City of Albany.

§ 261-16. Licenses issued to entities other than individuals.

A. Class A licenses issued in the name of entities other than individuals shall also designate the name of the licensed plumber who actually holds the license.

B. Such Class A licensed plumber shall be an officer, partner or employee of the firm to which the license is issued.

C. The same person shall not hold more than one plumber's license.

D. In the event that the Class A licensed plumber who holds an entity's license in his name becomes no longer employed by or associated with said entity, such change in circumstance shall be reported to the Administrator within 30 days of said change. The report must be made by both the entity and the actual license holder. At that time, the entity must certify to the Examining Board of Plumbers the name of another Class A licensed plumber who shall hold the entity's license in his name.

E. For good cause shown, the Board may extend the time in which an entity must certify the name of the licensed plumber who will hold their license. No extensions shall total more than one year.

§ 261-17. License not transferable.

No license granted under this chapter shall be transferable.

§ 261-18. Employment of unlicensed plumbers.

It shall be unlawful for any person to employ an unlicensed plumber to do any plumbing work in the City of Albany.

§ 261-19. Unauthorized use of title.

It shall be unlawful for any person to hold himself out to the public as a plumber licensed by the City of Albany unless he or she possesses a valid plumber's license issued by the City of Albany.

§ 261-20. Penalties for offenses.

A. In addition to the penalties prescribed below, the Administrator, upon recommendation of the Examining Board of Plumbers, may suspend or revoke any plumber's license issued pursuant to this article for violations of any provisions of this article or any other City ordinance, local law, state law or rule or regulation of the Board with which said license holder must comply as a plumber.

B. Any person violating any provision of this chapter shall be guilty of an offense punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, or for a civil penalty not exceeding \$1,000 to be recovered by the City of Albany in a civil action.

C. The City of Albany, in addition to any other penalties provided for, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any provision of this article.

§ 261-21. Suspension or revocation of license; hearings.

A. Any person charged with the violation of any provision of this chapter or of any City ordinance with which a licensed plumber must comply has the right to notice of the charges in writing and an opportunity to be heard.

B. Hearings shall be held before three members of the Examining Board of Plumbers. If a majority of the Board members hearing the case finds that the person charged has committed the violations, it may recommend to the Administrator that said person's plumbing license be suspended or revoked. Where the person charged has no plumber's license, the recommendation may be to suspend the person's right to apply for a plumber's license.

C. Upon recommendation of the Board, the Administrator may suspend or revoke a person's plumbing license as follows:

- (1) For the first offense: up to a maximum of six months.
- (2) For the second offense within one year: up to a maximum of one year.
- (3) For the third offense within one year: up to a permanent revocation.

D. During a suspension or revocation, the license shall be null and void. After the termination of the period of a suspension, such license shall become valid upon tender of any renewal fees that have become due. Upon permanent revocation, said license holder shall not be allowed to reapply thereafter.

E. The suspension or revocation penalties are in addition to any penalties imposed by the Court.

§ 261-22. Notice of violation of rules.

Whenever any inspector or other person reports a violation of any such rules and regulations for plumbing and drainage or deviation from any approved plan or specification for plumbing or drainage filed with any board or department, the Administrator shall first serve a notice of the violation thereof upon the plumber doing the work. Such notice may be served personally or by mail, and, if by mail, it may be addressed to such plumber. Unless the violation is removed within three days after the day of serving or mailing such notice exclusive of the day of service or mailing such notice, the Administrator may proceed according to law.

§ 261-23. Inspectors of plumbing.

The Administrator shall appoint inspectors of plumbing in the City of Albany, one (1) of whom shall be designated as chief inspector. They shall be practical plumbers and shall not be engaged directly or indirectly in the business of plumbing during the period of their appointment. Before entering upon the discharge of their duties as such inspectors they shall be required to obtain a certificate of competency from said Examining Board of Plumbers. They shall be entitled to receive compensation to be fixed by the Board of Estimate and Apportionment. The inspectors of plumbing appointed under the provisions of this section, in addition to the duties prescribed by law or ordinance and those which may be enjoined or required by the Commissioner of the Department of Buildings of the City of Albany, shall inspect the construction and alteration of all plumbing work performed in the City of Albany and report in writing the results of such inspection to the Commissioner of the Department of Buildings. They shall also report in such manner any person engaged in or carrying on the business of employing plumber without having obtained a license as herein provided.

§ 261-24. Plumbing permits; inspections.

- A. For work to be done in the City of Albany, it shall be unlawful for any person to contract for, allow or perform the installation of plumbing apparatus or equipment unless:
1. Prior to any such installation the proper plumbing permit is obtained from the Administrator; and
 2. The work is performed by or under the supervision of a licensed plumber, so long as said work is done by an employee of the licensed plumber.

- B. A plumbing permit shall be issued only to a licensed plumber.
- C. It shall be unlawful for a person to employ anyone who is not a licensed plumber to perform plumbing work for which a permit is required.
- D. Work shall not be deemed approved until such time as a plumbing inspector employed by the City of Albany's Bureau of Buildings shall inspect the installation, extension or alteration of plumbing apparatus or equipment for which a permit is required.
- E. A final inspection of finished work shall be preformed to close out all plumbing permits. If a license holder fails to schedule or arrange for a final inspection of the work, the license holder may be brought before the Examining Board of Plumbers to show cause. If it is determined that the license holder cannot provide adequate cause for failure to close out the permit, the license may be revoked or suspended. If through no fault of the license holder, the inspector cannot gain access to the premises to inspect the work, the property owner shall be required to allow entry to perform the inspection.
- G. The City of Albany will apply the standards set forth by the most current addition of the New York State Building Code when conducting inspections.
- H. Inspection requests shall be made by the permit holder only.

§ 261-25. Severability.

If any portion of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the portion thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. This ordinance shall take effect thirty (30) days after passage.

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

Ordinance Number 49.62.09

AN ORDINANCE AMENDING ARTICLE XIV (SPECIFIC USE REGULATIONS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SATELLITE DISH ANTENNAS

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

Section 1. Section 375-94 of the Code of the City of Albany provides specific use regulations for satellite dish antennas. Due to changes in technology, new providers and pricing, there has been an increased demand from consumers for satellite dish antennas. To allow time to educate new installers and homeowners and give them sufficient time to adjust their practices, the Council directs staff to delay enforcement of the restrictions established by Section 375-94 for those not in compliance until eighteen months after the adoption of this ordinance.

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

CONSIDERATION OF RESOLUTIONS

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

Resolution Number 61.62.09R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU-OF TAX (PILOT) AGREEMENT WITH SOUTHEND ASSOCIATES L.P. AND AHA SOUTH END HOUSING DEVELOPMENT FUND CORP.

WHEREAS, Southend Associates L.P. (the “Company”) is a limited partnership established pursuant to the New York Limited Partnership Law, [and is controlled by or under common control with ALBANY HOUSING AUTHORITY (“AHA”)]; and

WHEREAS, it is anticipated that AHA South End Housing Development Fund Corp. (the “HDFC”) will be organized as a corporation established pursuant to section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”), [and will be controlled by or under the common control with ALBANY HOUSING AUTHORITY (“AHA”)]; and

WHEREAS, it is anticipated that the HDFC will be organized as a “housing development fund company” as that term is defined in Section 572 of the PHFL; and

WHEREAS, it is anticipated that the HDFC will be a managing member of the Company; and

WHEREAS, the Company's and the HDFC’s plan for the use of the property hereinafter described, consisting of the construction and redevelopment of fifty-two (52) residential rental units for persons and families of low-income, constitutes a “housing project” as that term is defined in Section 572 of the PHFL (the “Project”) and will be located and situated at or near 102-104 Morton Avenue and 111 Broad St in the City and County of Albany, State of New York, Tax Map Section 76.56, Lot 2 and Block 2 , Tax Map Section 76.56, Lot 1 and Block 2 and Tax Map Section 76.73, Lots 11-19 and Block 1 (the “Property”); and

WHEREAS, pursuant to Section 577(1) of the PHFL, the local legislative body of a municipality may exempt a project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project for a period of up to forty (40) years;

NOW, THEREFORE BE IT RESOLVED, that the Property and the Project shall be exempt from real property taxes to the extent described in Section 577(1) of the PHFL for a period of forty (40) years, including city, county and school taxes, other than assessments for local approvals, and that the Mayor be and he is hereby authorized and empowered to execute and enter into a PILOT agreement with the Company and the HDFC in a form approved by the Corporation Counsel, together with such other and further forms, documents and agreements necessary to amend, renew, supplement or effectuate the same.

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

Affirmative -- Calsolaro, Casey, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O’Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 62.62.09R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF CONTRACT NO. C302678 FOR STATE ASSISTANCE FOR LANDFILL GAS MANAGEMENT PROJECTS PURSUANT TO TITLE 5 OF ARTICLE 54 AND TITLE 4 OF ARTICLE 56 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

WHEREAS, the City of Albany herein called the "Municipality" has hereby determined that certain work, as described in the State assistance contract and any amendments thereof, herein called the "Project", is desirable and in the public interest; and

WHEREAS, Article 54, Title 5 and Article 56, Title 4 of the Environmental Conservation Law authorized State assistance payments to municipalities for landfill gas management projects by means of a written agreement and the Municipality deems it to be in the public interest and benefit under this law to enter into said written agreement.

NOW, THEREFORE BE IT RESOLVED, that the Common Council hereby determines that the Commissioner of the Department of General Services, or his designee, is directed and authorized as the official representative to act in connection with any agreement between the Municipality and the State, and to provide such additional information as may be required; and,

BE IT FURTHER RESOLVED, that one (1) certified copy of this Resolution be prepared and sent to the Director, Division of Solid and Hazardous Materials, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7250, together with the executed contract; and,

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

**Note: There was discussion from Council Member O'Brien stating that this is a grant application to DEC for money already expended.*

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

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

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 63.62.09R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF THE FISCAL ASSISTANT POSITION AND THE CREATION OF AN ACCOUNTING ASSISTANT POSITION IN THE DEPARTMENT OF WATER AND WATER SUPPLY

WHEREAS, Section 603(D)(b) of the Charter of the City of Albany dictates that any personnel titles or salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Department of Water and Water Supply require the skills and abilities of an Accounting Assistant rather than those of a Fiscal Assistant.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the elimination of the current position of Fiscal Assistant and the creation of the position of Accounting Assistant position within the Department of Water and Water Supply.

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

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

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 64.62.09R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF THE RESOURCE MATERIALS COORDINATOR POSITION AND THE CREATION OF A CUSTOMER CONTACT SPECIALIST POSITION IN THE DEPARTMENT OF WATER AND WATER SUPPLY

WHEREAS, Section 603(D)(b) of the Charter of the City of Albany dictates that any personnel titles or salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Department of Water and Water Supply require the skills and abilities of a Customer Contact Specialist rather than those of a Resource Materials Coordinator.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the elimination of the current position of Resource Materials Coordinator and the creation of the position of Customer Contact Specialist within the Department of Water and Water Supply.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 5.11.09R(MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF RYAN HANCOX AS A MEMBER OF THE PLANNING BOARD), which had been previously introduced.

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

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

Present -- Calsolaro

Affirmative 14 Negative 0 Abstain 0 Present 1

Council Member Herring asked for passage of RESOLUTION NUMBER 7.11.09R(MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF EDWARD TRANT AS A MEMBER OF THE PLANNING BOARD), which had been previously introduced.

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

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

Negative -- Conti

Affirmative 14 Negative 1 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 57.52.09R(MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF EVRIL E. CLAYTON, JR. AS A MEMBER OF THE PLANNING BOARD), which had been previously introduced.

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

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

Affirmative 15 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:

Belcher, Jr., Earl V, 506 Madison Avenue, Albany, NY 12208
Bonilla, Jr., Joseph, 76 Winthrop Avenue, Albany, NY 12203
Engstrom, Erin, 230 Ridgefield Street, Albany, NY 12208
Engstrom, Leif, 230 Ridgefield Street, Albany, NY 12208
Jones, Alethia, 268 Washington Avenue, 3B, Albany, NY 12203
Keegan, Meghan, 382 Morris Street, Albany, NY 12208
Mayo, Jeffrey, 246 Lark Street, Apt #9, Albany, NY 12210
McDevitt, Richard, 37 Bancker Street, Albany, NY 12208
McLaughlin, Carolyn, 76 Grandview Terrace, Albany, NY 12202
Nadeau, Katherine, 39 Irving Street, Apt 2, Albany, NY 12202
Noonan, Conor, 61 Ryckman Avenue, Albany, NY 12208
Oehl, David, 28 Benson Street, Albany, NY 12206
Perez, Guillermo, 47 Myrtle Avenue, Albany, NY 12202
Pettit, Norma D, 2 Thurlow Terrace, Apt 2K, Albany, NY 12203

Thorne, Richard L, 676 Providence Street, Albany, NY 12208
Van Allen, Elise, 327 State Street, Albany, NY 12210
Wells, Samuel, 23 Grandview Terrace, Albany, NY 12202

Council Member Conti discussed noticing the upcoming special meeting on no fine tickets scheduled for June 29, 2009.

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 1st, 2009.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL