

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

Monday, July 6, 2009

The Common Council was convened at 7:00 p.m. and was called to order by Council President Morris.

The roll being called, the following answered to their names: Council Members Calsolaro, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons.

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

Council Member Fahey led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Various Issues)
2. George Kimball, 46 Myrtle Ave., Albany, NY 12202 (Holiday Inn Express)
3. Steve Redler, 43 Matilda Dr., Albany, NY (Holiday Inn Express)
4. Becky Wallis, 552 Congress St., Troy, NY (Holiday Inn Express)
5. Grace Nichols, 439 Elk St., Albany, NY 12206 (Research Advisory Cmte Methane & Consequences)
6. Anton Konev, 268 Washington Ave., Albany, NY 12203 (Public Access TV)
7. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (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 introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

LOCAL LAW D – 2009

A LOCAL LAW ESTABLISHING A BASE SALARY FOR THE NEW POSITION OF CITY AUDITOR

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Commencing on January 1, 2010, the initial salary for the position of City Auditor shall be \$98,483. This salary may be adjusted after January 1, 2010 as provided by state and local law.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

Council Member McLaughlin introduced the following, which was held:

LOCAL LAW E – 2009

A LOCAL LAW AMENDING ARTICLE III (SENIOR CITIZEN TAX EXEMPTION) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY TO INCREASE THE

MAXIMUM INCOME ELIGIBILITY LEVELS IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 467

BE IT ENACTED by the Common Council of the City of Albany, Albany County as follows:

Section 1. Section 333-34 (Eligibility) of Article III of Chapter 333 of the Code of the City of Albany is hereby amended to read as follows:

§ 333-34. Eligibility.

A. Pursuant to § 467 of the Real Property Tax Law of the State of New York, real property located in the City of Albany and owned by one or more persons, each of whom is 65 years of age or over, or real property owned by the husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation according to the following eligibility schedule:

<u>Annual Income</u>	<u>Percentage of Assessed Value Exempt from Taxation</u>
[\$28,000] <u>\$29,000</u> or less	50%
More than [\$28,000] <u>\$29,000</u> and up to [\$29,000] <u>\$30,000</u>	45%
More than [\$29,000] <u>\$30,000</u> and up to [\$30,000] <u>\$31,000</u>	40%
More than [\$30,000] <u>\$31,000</u> and up to [\$31,000] <u>\$32,000</u>	35%
More than [\$31,000] <u>\$32,000</u> and up to [\$31,900] <u>\$32,900</u>	30%
More than [\$31,900] <u>\$32,900</u> and up to [\$32,800] <u>\$33,800</u>	25%
More than [\$32,800] <u>\$33,800</u> and up to [\$33,700] <u>\$34,700</u>	20%
More than [\$33,700] <u>\$34,700</u> and up to [\$34,600] <u>\$35,600</u>	15%
More than [\$34,600] <u>\$35,600</u> and up to [\$35,500] <u>\$36,500</u>	10%
More than [\$35,500] <u>\$36,500</u> and up to [\$36,400] <u>\$37,400</u>	5%
More than [\$36,400] <u>\$37,400</u>	0%

Section 2. Section 333-35 (Exceptions) of Article III of Chapter 333 of the Code of the City of Albany is hereby amended to read as follows:

No exemption shall be granted:

A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds [\$35,400] \$37,400. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year; where title is vested in either the husband or his wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income for self-employment, but shall not include a return of capital, gifts or inheritance. In computing net rental income and net income for self-employment, no depreciation deduction

shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

Section 3. The provisions of this local law shall take effect after final passage, public hearing and filing as required by law and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after January 1, 2010.

Section 4. Except a herein amended, Article III of Chapter 333 of the Code of the City of Albany is hereby ratified, continued and approved.

Council Member McLaughlin introduced the following, which was held:

LOCAL LAW F - 2009

A LOCAL LAW AMENDING ARTICLE XIII (EXEMPTION FOR DISABLED PERSONS WITH LIMITED INCOMES) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY TO INCREASE THE MAXIMUM INCOME ELIGIBILITY LEVELS IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 459-c

BE IT ENACTED by the Common Council of the City of Albany, Albany County as follows:

Section 1. Section 333-108 of Article XIII of Chapter 333 of the Code of the City of Albany is hereby amended to read as follows:

Section 333-108. Persons with Disabilities and Limited Incomes.

Effective as hereinafter provided, there shall be an exemption from taxation for general city purposes to the extent of the percentage of assessed valuation provided in the following schedule, determined by the maximum income exemption eligibility level also provided in the following schedule up to a maximum of fifty percent (50%) of the assessed valuation of real property owned by a husband or wife, or both, or by siblings, at least one of whom has a disability, or whose income, as hereinafter defined, is limited by reason of such disability:

<u>Annual Income</u>	<u>Percentage of Assessed Value Exempt from Taxation</u>
[\$28,000] <u>\$29,000</u> or less	50%
More than [\$28,000] <u>\$29,000</u> and up to [\$29,000] <u>\$30,000</u>	45%
More than [\$29,000] <u>\$30,000</u> and up to [\$30,000] <u>\$31,000</u>	40%
More than [\$30,000] <u>\$31,000</u> and up to [\$31,000] <u>\$32,000</u>	35%
More than [\$31,000] <u>\$32,000</u> and up to [\$31,900] <u>\$32,900</u>	30%
More than [\$31,900] <u>\$32,900</u> and up to [\$32,800] <u>\$33,800</u>	25%
More than [\$32,800] <u>\$33,800</u> and up to [\$33,700] <u>\$34,700</u>	20%
More than [\$33,700] <u>\$34,700</u> and up to [\$34,600] <u>\$35,600</u>	15%

More than [\$34,600] <u>\$35,600</u> and up to [\$35,500] <u>\$36,500</u>	10%
More than [\$35,500] <u>\$36,500</u> and up to [\$36,400] <u>\$37,400</u>	5%
More than [\$36,400] <u>\$37,400</u>	0%

Section 2. The provisions of this local law shall take effect after final passage, public hearing and filing as required by law and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after January 1, 2010.

Section 3. Except a herein amended, Article XIII of Chapter 333 of the Code of the City of Albany is hereby ratified, continued and approved.

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

Finance, Taxation and Assessment – Council Member Sano stated that the committee met on June 25, 2009 to consider bonding Ordinances 40.51.09 to 46.51.09 relating to the Rapp Landfill. They were all passed out of committee favorably.

CONSIDERATION OF ORDINANCES

Council Member Ellis introduced the following, which was held:

Ordinance Number 50.71.09

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 126 SECOND STREET (TAX MAP #65.52-1-63) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE METROPOLITAN NEW TESTAMENT MISSION BAPTIST CHURCH

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

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to property known as 126 Second Street (Tax Map #65.73-5-16) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the Metropolitan New Testament Mission Baptist Church.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby determined that the aforesaid property has been abandoned for municipal or public purposes.

Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

Section 4. This ordinance shall take effect immediately.

Council Member Timmons introduced the following, which was held:

Ordinance Number 51.71.09

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 3 OAK STREET (TAX MAP #65.64-7-16) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO EDWARD McADOO

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

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to property known as 3 Oak Street (Tax Map #65.64-7-16) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the Edward McAdoo.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby determined that the aforesaid property has been abandoned for municipal or public purposes.

Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

Section 4. 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 52.71.09

AN ORDINANCE AMENDING CHAPTER 171 (ELECTRICITY) OF THE CODE OF THE CITY OF ALBANY

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

Section 1. Section 171-14 of Article I of Chapter 171 of the Code of the City of Albany is hereby amended as follows:

§ 171-14. Penalties for offenses.

Every person or corporation violating any or either of the provisions of this article shall incur a penalty [~~of \$50~~] not to exceed \$1,000 for each and every such violation, and a further and additional penalty [~~of \$50~~] not to exceed \$1,000 for each and every day he or it shall neglect after notice received from the Chief of the Fire Department to comply therewith.

Section 2. Section 171-16 of Article I of Chapter 171 of the Code of the City of Albany is hereby amended as follows:

§ 171-16. Penalties for offenses.

Any such owner failing to comply with the provisions of this article shall be guilty of a misdemeanor and shall [~~be liable to a fine of \$5~~] incur a fine not to exceed \$1,000.

Section 3. Sections 171-29, 171-41, 171-47 and 171-50 of Article III of Chapter 171 of the Code of the City of Albany is hereby amended as follows:

§ 171-29. Frequency of examinations; reexaminations.

A. The Board 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.~~]

§ 171-41. Expiration and renewal of master electrician's license.

A. A master electrician's license shall expire one year after the date of its issuance. Said license may be renewed from year to year upon tender of a renewal application with the proper fees. If the application for renewal is made within [~~six~~] two (2) months after a license's expiration, there shall be no need for a further examination.

§ 171-47. Penalties for offenses.

B. Any person violating any provision of this Electrical Licensing Ordinance shall be guilty of an offense punishable by a fine not [~~exceeding \$200~~] to exceed \$1,000 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, or for a penalty [~~of \$625~~] not to exceed 1,000, to be recovered by the City of Albany in a civil action.

§ 171-50. Electrical 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 electrical wiring or equipment unless:
1. Prior to any such installation the proper electrical permit is obtained from the Administrator; and
 2. The work is performed by or under the supervision of a licensed or temporarily licensed master electrician, if said worker is employed by the licensed master electrician supervising same work.
- H. The City of Albany will apply the standards set forth by the most current addition of the [~~National Electrical Code when conducting inspections~~] New York State Building Code.
- I. Inspection requests shall be made by the permit holder only.

Section 4. Except as herein amended, Chapter 171 (Electricity) of the Code of the City of Albany hereby ratified, continued and approved.

Section 5. This ordinance shall take effect thirty (30) days after passage.

Council Member Sano noticed and moved to amend the following, which was held:

Ordinance Number 46.51.09 (as amended)

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,400,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,400,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF. (PINE BUSH RESTORATION)

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Land Acquisition
Local Finance Law Section 11.00(a) Subparagraph 21
Period of Probable Usefulness: 30 years
Maximum Term of Obligations: 30 years
Maximum Estimated Cost: \$2,400,000.00
Maximum Amount of Bonds: \$2,400,000.00
Comptroller's Bond Authorization Numbers: AD-09
Comptroller's Project Numbers: GH 81609931

Section 2. The plan of financing such objects or purposes is the issuance of \$2,400,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City comptroller, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of Local Finance Law.

Section 7. The City Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Comptroller is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are

satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitutes a Type 1 action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder for which Common Council has previously adopted a Findings Statement.

Section 12. This ordinance shall be dated May 4, 2009 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

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

CONSIDERATION OF RESOLUTIONS

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

Resolution Number 65.71.09R

RESOLUTION OF THE COMMON COUNCIL ADOPTING THE FINDINGS STATEMENT UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) IN REGARD TO THE RAPP ROAD LANDFILL EASTERN EXPANSION AND RELATED MITIGATION

WHEREAS, the City of Albany (the "City"), submitted an application to the New York State Department of Environmental Conservation (the "Department") to construct and operate an expansion of the City's existing landfill located on Rapp Road in the City of Albany, together with mitigation related to the expansion (the "Eastern Expansion"); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, ECL Sections 8-0101, *et seq.* ("SEQR"), and implementing regulations, 6 NYCRR Part 617, an Environmental Assessment Form ("EAF") was completed to review the potential environmental impacts for the Eastern Expansion; and

WHEREAS, the New York State Department of Environmental Conservation (the "DEC" or the "Department") determined that the Eastern Expansion is a Type 1 Action for SEQR purposes, coordinated review with all potential Involved Agencies, and requested to act as Lead Agency for purposes of review of the Eastern Expansion under SEQR; and

WHEREAS, no Involved Agency objected to the Department acting as Lead Agency for purposes of review of the Eastern Expansion, and therefore, the Department was Lead Agency; and

WHEREAS, the Department, acting as Lead Agency under SEQR, issued a Positive Declaration and Notice of Scoping for the Eastern Expansion on January 22, 2007, requiring the preparation of an Environmental Impact Statement (“EIS”) for the Eastern Expansion; and

WHEREAS, the Department solicited public input on the scope of the Fourth Supplemental Draft Environmental Impact Statement (“FSDEIS”) for the Eastern Expansion through February 27, 2007; and

WHEREAS, the City submitted applications for permits required for the Eastern Expansion, as well as a Fourth Supplemental Draft Environmental Impact Statement, to the Department in August, 2007; and

WHEREAS, following revisions to the FSDEIS, the Department accepted the FSDEIS and the permit applications for the Eastern Expansion as complete for purposes of public review on October 17, 2008; and

WHEREAS, a public hearing on the FSDEIS and the City’s applications for permits for the Eastern Expansion pending before the Department was held on December 3, 2008, and written comments were accepted until December 15, 2008; and

WHEREAS, the Department received additional comments on the FSDEIS, the City’s applications for permits for the Eastern Expansion, and the proposed mitigation for the Eastern Expansion; and

WHEREAS, the Department requested that the City respond to the additional comments in the Fourth Supplemental Final Environmental Impact Statement (“FSFEIS”); and

WHEREAS, the City submitted a proposed FSFEIS, including responses to all comments received by the Department; and

WHEREAS, the Department, following revisions to the FSFEIS, accepted the FSFEIS on May 28, 2009; and

WHEREAS, the Department, as Lead Agency, issued its permits for the Eastern Expansion, together with an exhaustive Statement of Findings under SEQR on June 25, 2009; and

WHEREAS, the Common Council is an Involved Agency under SEQR; and

WHEREAS, as an Involved Agency, the Common Council must make its own findings under SEQR prior to making a final decision to fund, undertake, or approve the Eastern Expansion and related mitigation; and

WHEREAS, the Common Council has reviewed the FSDEIS, the FSFEIS and the documents incorporated by reference therein, the DEC Statement of Findings attached hereto as Exhibit A, as well as such other documents as the Common Council felt it necessary or appropriate to examine to adequately review the proposed Action; and

WHEREAS, the requirements of 6 NYCRR Part have been met with respect to the Eastern Expansion; and

WHEREAS, consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Eastern Expansion minimizes or avoids adverse environmental effects, both

singly and cumulatively, to the maximum extent practicable, including effects disclosed in the environmental impact statement; and

WHEREAS, consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement, both singly and cumulatively, will be minimized or avoided by incorporating as conditions those mitigative measures which were identified as practicable.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Albany (a majority of the members thereof affirmatively concurring) that:

Section 1. The Action is a Type 1 Action pursuant to SEQR.

Section 2. The Common Council is an Involved Agency for environmental review pursuant to SEQR.

Section 3. The jurisdiction of the Common Council over the Eastern Expansion is:

- (a) Undertaking and funding the construction and operation of the landfill expansion, including related mitigation and closure and post-closure requirements;
- (b) Undertaking and funding the acquisition of additional acreage within the Albany Pine Bush Preserve Study Area, and the eventual dedication of the land to the Albany Pine Bush Preserve;
- (c) Undertaking and funding the Habitat Restoration Plan; and
- (d) Undertaking, funding and approving such other matters related to the Eastern Expansion as may be necessary or required under the terms of the permit granted by the Department.

Section 4. The Common Council hereby adopts the Statement of Findings attached hereto as Exhibit A as its Statement of Findings under SEQR.

Section 5. Having considered the Fourth Supplemental Draft and Final EIS, and such other documents as may be necessary or appropriate, the Common Council certifies that:

- (a) The requirements of 6 NYCRR Part 617 have been met;
- (b) Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Action is one which minimizes or avoids adverse environmental effects, both singly and cumulatively, to the maximum extent practicable, including effects disclosed in the environmental impact statement; and
- (c) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects, both singly and cumulatively, revealed in the environmental impact statement will be minimized or avoided by incorporating as conditions those mitigative measures which were identified as practicable.

Section 6. The basis for this decision is the FSDEIS and the FSFEIS, and the documents incorporated by reference therein, the Statement of Findings attached as Exhibit A hereto and incorporated by reference herein, and such other documents as Common Council deemed may be necessary or appropriate.

Section 7. **This resolution shall take effect immediately.** **Note: There was discussion from Council Member Calsolaro regarding his belief that the finding statement is incomplete and the fees for shipping the city's garbage out is incorrect. He discussed tipping fees and enforcing the city's recycling laws.*

There was discussion from Council Member O'Brien agreeing with Council Member Calsolaro regarding recycling. He discussed his belief that NYS Department of Environmental Conservation's finding statements are correct.

There was discussion from Council Member Rosenzweig regarding enforcing the recycling laws in the city and possibly fining those in the inner city who do not recycle.

There was discussion from Council Member McLaughlin regarding the lack of an educational program regarding recycling. She discussed instead of fining residents, letters should be sent regarding recycling guidelines and how to get recycling bins.

There was discussion from Council Member Fahey regarding her disappointment with the landfill expansion into the Pine Bush. She discussed commercial haulers not recycling and the odors and leakage from the landfill that affect residents who live near the landfill.

There was discussion from Council Member O'Brien regarding the option for Council Members to send suggestions to the SWMP Committee and informed the Council of an upcoming trip to Ontario, Canada.

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

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

Negative -- Calsolaro, Ellis, Fahey and Smith

Affirmative 10 Negative 4 Abstain 0

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

Resolution Number 66.71.09R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE CONVEYANCE OF THE EZRA PRENTICE HOMES HOUSING PROJECT BY THE ALBANY HOUSING AUTHORITY

WHEREAS, the Albany Housing Authority (the "Authority") is the owner of certain real property and improvements commonly known as the Ezra Prentice Homes housing project, located at or near 625 South Pearl Street in the City of Albany, County of Albany, New York, which consists of one hundred seventy-nine (179) residential rental units situated in sixteen (16) buildings and an onsite community building (the "Project");

WHEREAS, the City of Albany, the Authority and the State of New York, acting by and through the State Commissioner of Housing, have heretofore executed a certain Contract for Loan and Subsidy dated as of April 22, 1965 in connection with the Project, as last amended and consolidated pursuant to an Amended Consolidated Contract for Loan and Subsidy dated as of September 17, 1982 (the "Loan and Subsidy Contract"); and

WHEREAS, the physical condition of the Project has dilapidated and deteriorated over time; and

WHEREAS, the Authority does not have sufficient resources available to remedy such dilapidation and deterioration; and

WHEREAS, the Authority desires to redevelop and rehabilitate the Project in order to provide the current residents and others with improved, safe, decent and affordable housing; and

WHEREAS, the infusion of private enterprise and private capital are essential components to such redevelopment and the continued success and long-term viability of the Project; and

WHEREAS, the Authority has indicated that the transfer of the Project by the Authority to a limited liability company, a housing development fund company or similar entity is necessary in order for the Project to obtain the benefits of low-income housing tax credits and to otherwise accomplish the redevelopment and rehabilitation of the Project; and

WHEREAS, Section 58-b of the New York Public Housing Law and New York State law authorize the Authority to sell or lease the Project upon the satisfaction of certain conditions, including the approval of the Common Council.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Albany, New York, that the sale or lease of the Project by the Authority to a limited liability company, a housing development fund company or a similar entity designated by the Authority is hereby authorized and approved, which sale or lease shall be upon such terms and conditions as the Authority may deem necessary or appropriate.

BE IT FURTHER RESOLVED that in connection with such conveyance, the Mayor of the City of Albany is hereby authorized to execute and deliver, on behalf of the City of Albany, an amendment to the Loan and Subsidy Contract (the “Amendment”), in substantially the same or similar form as that heretofore presented to the Common Council, with such modifications or additions the Mayor may deem necessary or appropriate; and be it further

RESOLVED, that the Mayor of the City of Albany be and hereby is authorized and directed to take any and all actions and execute any and all documents or instruments that may be necessary to desirable to carry out the intent of the foregoing resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

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

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

Affirmative 14 Negative 0 Abstain 0

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

Resolution Number 67.71.09R

RESOLUTION SUPPORTING THE WORKERS INVOLVED IN THE ALBANY AIRPORT HOLIDAY INN EXPRESS ORGANIZING CAMPAIGN AND FAIR ELECTION STANDARDS

WHEREAS, The National Labor Relations Act was passed in 1935 to guarantee workers in the United States the right to organize and collectively bargain for better wages, benefits and working conditions and mandates that workers and their employers bargain in good faith about wages, benefits and other working conditions once the workers have formed a union; and

WHEREAS, the NLRA has been incredibly weakened over the years, and often manipulated by anti-union companies often forcing workers to wait years to hear the results of their union election, and even longer for an actual contract with their employer; and

WHEREAS, public opinion polls indicate that a majority of non-union U.S. workers say they would join a union now if they had the opportunity; and

WHEREAS, union membership provides workers better wages and benefits, and protection from discrimination and unsafe workplaces, while benefiting whole communities by strengthening tax bases, promoting equal treatment and enhancing civic participation; and

WHEREAS, current federal labor laws are outdated and don't provide either legal protection or a level playing field for workers who attempt to organize; and

WHEREAS, workers at the Holiday Inn Express in Latham want to improve their jobs and the working standards for all hotel employees in the Capital District; and

WHEREAS, on April 23rd, they notified their employer, the Holiday Inn Express - Latham, of their desire to form a union with Workers United Local 471. Within the 24-hour period before and after the notification, the Holiday Inn Express fired half of the organizing committee, and has subsequently terminated an additional employee; and

WHEREAS, the Holiday Inn Express has been forcing employees into mandatory one-on-one and groups meetings including a 4 hour meeting with company officials and an anti-union consultant from North Carolina; and

WHEREAS, affected workers at the Holiday Inn Express made a unanimous decision to go on strike over the failure of the employer to pay back pay to unlawfully terminated employees, unlawful interrogations, unlawful solicitation of grievances, and spying on employee's union activity; and

WHEREAS, the workers further demand that their employer reinstate all four fired workers with back pay, admit to wrongful firings and cease unlawful interrogation of employees.

NOW, THEREFORE, BE IT RESOLVED, the City of Albany Common Council joins countless of other elected officials and community leaders in the Capital Region in demanding that management of the Holiday Inn Express – Latham and other local business owners sign the Pledge in Support of Fair Campaign and Election Standards, stating:

THAT no employees should be forced to attend mandatory meetings on company time;

THAT there should be equal time for management and the union in this election;

THAT management and the union should have equal access to voters;

THAT management and the union should agree to a series of debates;

THAT the union should have equal posting rights and equal use of internal mail systems;

THAT coercion has no place in free elections and management must refrain from pressure tactics and allow employees to make their decision to join a union freely.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Albany Common Council expresses its support for Workers United's Fair Campaign and Election Standards, and the workers strike, and encourages all businesses and elected leaders to sign on in support.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Jim Morrell and Austin Snow at the Holiday Inn Express in Latham and that the Albany Common Council urges the management to adopt Workers United's Fair Campaign and Election Standards and reinstate all four fired workers with back pay, admit to wrongful firings and cease unlawful interrogation of employees.

**Note: There was discussion from Council Member McLaughlin commending the employees who came out to speak tonight. She discussed unemployment and this being the best thing to do to protect their rights.*

There was discussion from Council Member Ellis regarding his experience as a union organizer and how he noticed that it's done differently in upstate NY. He discussed people getting fired for organizing unions, which is their right to do. He discussed being pleased that the Council took this step.

There was discussion from Council Member Sano regarding the Employees Free Choice Act and the doors that it opens to mediation and the negotiating of a first contract for new unions.

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

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

Affirmative 14 Negative 0 Abstain 0

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:

Connors, Michael F II, 26 Brookside Avenue, Menands, NY 12204
Selitto, Gina, 94 Dana Avenue, Apt #2, Albany, NY 12208
Shea, Karen A, 34 Iroquois Trail, Slingerlands, NY 12159

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 July 6th, 2009

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL