

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

Monday, July 18, 2011

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

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith.

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

Council Member Igoe led the Pledge of Allegiance.

Council Member Conti made a motion to change the order of business for the consideration of Resolution Number 48.72.11R and Resolution Number 42.72.11R, which was approved by unanimous voice vote.

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

Resolution Number 48.72.11R

RESOLUTION RECOGNIZING THE EFFORTS OF REVEREND AVERY COMITHIER, PASTOR OF ELIJAH MISSIONARY BAPTIST CHURCH FOR HIS REMARKABLE AND EXTRADIONARY WORK ON BEHALF OF THE CITY OF ALBANY AND RESIDENTS OF THE SOUTH END COMMUNITY

WHEREAS, the Reverend Avery Comithier has been a community leader in Albany's South End for many years, improving the quality of life for many South End residents, and

WHEREAS, his efforts in bringing about community awareness programs and working with the City's youth, have made a difference in the lives of many of our children, and

WHEREAS, Reverend Comithier's commitment to enriching the lives of families can be signified by his Yearly Carnival that he brings to the kids of the South End of Albany, and

WHEREAS, his work inside the Church and outside of its walls in the community, have served as clear examples of spiritual leadership and guidance built on his church's principles that he pastors.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany recognizes the Reverend Avery Comithier for his efforts in bringing about change in Albany's neighborhoods and throughout the City of Albany.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be delivered to Reverend Comithier and to the congregation of Elijah Baptist Missionary Baptist Church.

**Note: Council Members Freeman and Council President McLaughlin spoke on this resolution prior to passage.*

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

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

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 42.72.11R

RESOLUTION OF THE COMMON COUNCIL DECLARING SEPTEMBER 2011 AS CHARCOT-MARIE-TOOTH NEUROMUSCULAR DISEASE AWARENESS MONTH IN THE CITY OF ALBANY

WHEREAS, the Charcot Marie Tooth Association is promoting September 2011 as National Charcot Marie Tooth Neuromuscular Disease Awareness Month; and

WHEREAS, the month of September has been set aside to focus on increasing awareness of this public health issue that affects approximately 145,000 Americans through a national education program. Many of those affected with Charcot-Marie-Tooth disease (CMT) do not realize that they carry the genetic inheritance for (CMT). In New York State alone, as many as 7,500 residents may have been misdiagnosed or are unaware of the nature of this insidious degenerative neuromuscular disorder causing grave disability; and

WHEREAS, CMT is a disorder of muscle atrophy in the extremities, coupled with ataxia, chronic pain, fatigue, and loss of sensation that also affects thousands of people worldwide. Often not noticed at birth, this slowly progressing disabling disease begins to manifest itself anytime during childhood to the advent of senior life. While our U.S. medical facilities are among the top in the world, many medical professionals and their patients remain uneducated about the effects of the disease; and

WHEREAS, CMT is inherited in both dominant and recessive patterns. To date, there are no effective treatments or ways of arresting the disease. Genetic testing, although expensive, is often the best way to detect the presence of CMT. Early intervention in children is critical to good health and syndrome management. Much research is being conducted into development of treatment and arrestment of the disease; and

WHEREAS, the general public must be made aware of signs and symptoms of CMT and seek medical help before deformities and nerve damage occur. In order to accomplish this, during the

September 2011 Charcot-Marie-Tooth Awareness Month, many public events are planned throughout the Nation to highlight awareness of CMT. Locally, the Upstate NY Charcot-Marie-Tooth Disease Support Group is holding a dinner for those affected by CMT and their families and also enlisting the help of local media to spread the word about CMT.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council declares September 2011 as Charcot-Marie-Tooth Neuromuscular Disease Awareness Month in the City of Albany.

**Note: Council Member Calsolaro spoke on this resolution prior to passage.*

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

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

Affirmative 15 Negative 0 Abstain 0

PUBLIC COMMENT PERIOD

1. Melinda Lang, 8 Delta Blvd., Cohoes, NY 12047 (Resolution 42.72.11R)
2. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Downtown Albany)

Council President McLaughlin acknowledged Reverend Avery Comithier, who was honored by Resolution Number 48.72.11R.

There being no further speakers, the President declared the Public Comment Period closed.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

DEFERRED

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Human Resources and Human Rights – Council Member Fahey stated that the Committee met on July 14, 2011 and on July 18, 2011 to interview 13 candidates that applied for appointment to the Commission on Human Rights.

Public Safety – Council Member Smith stated that the Committee would be meeting on July 20, 2011 at 5:30 p.m. to receive a mid-year budget update from the Albany Fire Department.

Finance, Taxation and Assessment – Council Member Sano stated that the met on July 13, 2011 to interview the remaining Public/Private Budgetary Cooperation applicants. The Committee has one more candidate to interview.

Council Operations and Ethics – Council Member Conti stated that the Committee met on July 12, 2011 to consider Resolution 36.71.11R in relation to the Council Rules of Procedure and to discuss Local Laws E & F in relation to Council restructuring. The Committee held Local Laws E & F for further consideration and reported Resolution 36.71.11R favorably with amendments.

Law, Buildings and Code Enforcement – Council Member Igoe stated that the Committee would be meeting on July 19, 2011 at 5:30 p.m. to discuss Ordinance 3.11.10 (As Amended) relating to Channel Signs, Ordinance 34.22.10 (As Amended prior to introduction) relating to Snow Removal, Ordinance 48.41.10 relating to Sex Offenders, Ordinance 49.41.11 relating to Shopping Carts, Ordinance 37.52.11 relating to Dumpsters and Ordinance 7.12.10 relating to Storage Pods.

CONSIDERATION OF ORDINANCES

Council Members Conti, Bailey, Calsolaro and Konev introduced the following, which was referred to the Ad Hoc Committee on Permit Parking:

Ordinance Number 46.72.11

AN ORDINANCE REPEALING ARTICLE VIII (PREPAID PERMIT PARKING) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY AND REPLACING IT WITH A NEW ARTICLE VIII (RESIDENTIAL PARKING PERMIT SYSTEM)

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

Section 1. Article VIII of Chapter 359 of the Code of the City of Albany is hereby repealed in its entirety and replaced with a new Article VIII that shall read as follows:

ARTICLE VIII. Residential Parking Permit System

§ 359-72. Findings and intent.

A. The Common Council of the City of Albany and State of New York find that increased automobile use in certain areas of the City of Albany has resulted in traffic hazards, congestion and air and noise pollution detrimental to the health, safety and well-being of its residents. In addition, a lack of adequate on-street parking poses a hazard to residents and other pedestrians in such areas. The City and State find that a residential parking permit system will reduce such hazards and will reduce pollution levels as well. Recognizing that alternate, off-street parking spaces have become available for workers commuting to the down town area, the State of New York has deemed a residential parking permit system necessary in the City of Albany. It is the further intent of this article to expand the availability of short-term parking available for visitors and patrons of small businesses, to ensure the City can successfully comply with air quality regulations and to promote the use of public transportation.

B. This residential parking permit system is adopted pursuant to § 1640-e of the Vehicle and Traffic Law of the State of New York.

§ 359-73. Definitions.

As used in this article, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

CHIEF OF POLICE

The Chief of the Albany Police Department or his or her designee.

CITY CLERK

The City Clerk of the City of Albany or his or her designee.

DWELLING UNIT

One or more rooms, including a kitchen or kitchenette, and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.

HOLIDAY

A legal day of observance designated by the State of New York during which state offices are closed.

NONRESIDENT

An individual not currently residing within the Permit Area.

NONRESIDENT BUSINESS/PROPERTY OWNER PARKING PERMIT

An authorization, based on the submission of adequate documentation in accordance with the provisions of this article, allowing a nonresident owner of a business, property or not-for-profit corporation operating in the City of Albany, and operating within a prepaid parking permit area, to park a vehicle, or vehicles designated by such business, property or not-for-profit corporation, for a period of time within such prepaid parking permit area without regard to the two-hour limitation on streets requiring display of a parking permit.

PARKING PERMIT

A business parking permit, residential parking permit or visitor parking permit issued in accordance with this article.

RESIDENT

An individual currently residing within the Parking Area based on the submission of adequate documentation in accordance with the provisions of this article.

RESIDENTIAL PARKING PERMIT

An authorization allowing a resident individual to park a vehicle operated by such person for a period of time within a prepaid parking permit area without regard to the two-hour limitation on streets requiring display of a parking permit.

VISITOR PARKING PERMIT

A temporary authorization allowing an individual to park a vehicle operated by such person for a period of time within a prepaid parking permit area without regard to the two-hour limitation on streets requiring display of a parking permit and for a consecutive period of days not to exceed one week, except for cause.

§ 359-74. Establishment of Residential Parking Permit System.

A. A Residential Parking Permit System is hereby established within the following areas:

Zone A: those neighborhoods generally west of the Empire State Plaza and consisting of designated streets within the neighborhoods identified as Center Square, Hudson/Park, Park South and Washington Park;

Zone B: those neighborhoods generally east of the Empire State Plaza and south of State Street and consisting of designated streets within the neighborhoods identified as Mansion and Pastures;

Zone C: those neighborhoods generally east of the Empire State plaza and north of State Street and consisting of designated streets within the neighborhoods identified as Ten Broeck Triangle.

B. The Residential Parking Permit Area Map is on file with the City Clerk.

§ 359-75. Permit required; hours.

A. No person shall park a vehicle, nor allow a vehicle to be parked, for more than 2 consecutive hours per day between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, except holidays, along any street which has been designated a residential parking permit area pursuant to this article, unless the vehicle displays a valid parking permit issued in accordance with this article.

B. A permitted vehicle issued a permit in the form of a decal shall have affixed to the bottom rear corner of the passenger window on the driver's side of the vehicle a valid residential parking permit. All other valid permits shall be displayed in accordance with regulations of the City Clerk.

§ 359-76. Issuance of residential and nonresident business/property owner parking permits.

A. Upon application and payment of the applicable fee, any person who is a resident or nonresident business/property owner, who meets the applicable requirements of this article, shall be issued by the City Clerk one valid parking permit for each vehicle registered in the applicant's name or in the name of another upon proof that such vehicle is used exclusively by the applicant. At the time of application the applicant shall indicate the prepaid parking permit area for which a parking permit is requested. The permit shall be valid only within the prepaid parking permit area indicated on the permit. No person, other than a nonresident business owner, may apply for, hold or receive more than one permit, except a visitor permit as otherwise provided for by this article. The City Clerk shall establish guidelines to issue parking permits, including proof of residency and/or ownership requirements. No permit shall be issued to any person or vehicle that has any outstanding parking ticket(s) issued in the City of Albany, at the time of permit application, unless such violation is pending adjudication at the time of the application.

B. Resident permits issued under this section shall be specific for a single vehicle, shall not be transferred, and shall be displayed only as the City Clerk prescribes. The permittee shall remove the permit from the vehicle if the vehicle is sold, leased, or no longer in the custody of the permittee. The permittee shall notify the City Clerk of any change or amendment from the information contained in the original application.

C. Three (3) business employee permits may be issued to a nonresident business/property owner at any time for any business without regard to number of employees or off-street parking. A nonresident business/property owner permit is valid only for the vehicles listed thereon, and shall be displayed on the vehicle for which the permit is being used only as the manager by regulation may prescribe.

D. If the permit or the portion of the vehicle to which a permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefore, shall be issued a replacement. The City Clerk may require display of the damaged permit before a new permit is issued.

E. Permits may not be assigned from one person to another, but may be transferred to another vehicle owner by the permit holder upon application to the City Clerk.

§ 359-77. Issuance of Visitor Parking Permits.

A. Upon application and purchase of a residential parking permit, a resident of a prepaid parking permit area shall receive not more than one visitor parking permit per household for use within the prepaid parking area for which a permit is issued in accordance with section 359-76 of this article; provided, however, that a resident of a prepaid parking permit area not purchasing a residential parking permit may purchase a visitor parking permit in accordance with the provisions of this article. A nonresident business/property owner shall not be entitled to a visitor parking permit.

B. A visitor permit issued in accordance with this section shall include a unique code assigned by the City Clerk upon issuance that will facilitate the identification of the name and address of the permit holder.

§ 359-78. Temporary Permits.

Upon application to the manager, any person licensed or registered as a contractor in the city may obtain at no cost a reasonable number of temporary permits for the vehicles of the contractor and the contractor's employees for the period of time that the contractor is engaged in work within a neighborhood Permit Area for which a permit has been issued by the City.

§ 359-79. Fees.

A. The City Clerk shall collect the following fees at the time a permit is issued:

Residential parking permit - \$25

Nonresident business/property owner permit - \$25

Visitor permit - \$10

Replacement permit - \$10

B. All fees shall be credited to the general fund of the City.

§ 359-80. Exemptions.

A. Motor vehicles registered pursuant to § 404-a of the Vehicle and Traffic Law shall be exempt from any permit requirement establish pursuant to this chapter.

B. A resident may apply to the City Clerk for a permit not otherwise available pursuant to the aforementioned rules and regulations in the following circumstances:

- (1) Where a home health care provider provides home health care to a resident and regularly drives to the resident's home.
- (2) Where a resident has a short-term health emergency.
- (3) Such other instances of hardship (excluding self-created hardship) as the City Clerk in his or her discretion determines sufficient for issuance of additional residential parking permits.

§ 359-81. Penalties for offenses.

- A. Any vehicle parked in the Permit Area in violation of this article may be issued a \$45 parking ticket.
- B. No resident or nonresident business owner shall permit a nonresident to use a residential or nonresident business permit issued to a resident or nonresident business owner, or aid a nonresident in any way in obtaining a parking permit. Violation of the terms of this section shall be punishable by a fine not to exceed \$250 and/or suspension of residential parking permit privileges for a period not to exceed 6 months.

§ 359-82. Rules and regulations.

The City Clerk, in consultation with the Albany Police Department, Department of Law, Department of Development and Planning, Treasurer's Office and the Albany Parking Authority, may promulgate such rules and regulations as are necessary and proper to carry out the provisions of this article.

§ 359-83. Review and evaluation.

- A. Six months after the effective date of this article, and annually thereafter, the City Clerk, in consultation with the Albany Police Department, Department of Law, Department of Development and Planning, Treasurer's Office and Albany Parking Authority, shall review and evaluate the implementation of the parking permit system pursuant to this article, including the adequacy of parking permit fees provided herein, and submit a report of his or her findings and recommendations to the Mayor and the Common Council.
- B. The Chief of Police, or his or her designee, shall periodically review and assess on-street parking patterns within residential parking permit areas and those residential areas adjacent to such permit areas. The Chief of Police may recommend or take such actions as necessary, within his or her authority to regulate traffic and parking within the city, to address parking or traffic patterns which may prove a nuisance for certain impacted neighborhoods.

§ 359-84. Commuter parking permits.

- A. The Common Council recognizes that implementation of a residential parking permit system will expand the availability of on-street parking capacity through a reduction in all-day commuter parking. The Council further recognizes that a certain level of excess on-street parking capacity is likely to exist after implementation of the permit system under this Article. It is the Council's intent that a certain level of unutilized capacity may be made available on a market-based rate for nonresident commuters.

B. After implementation of this Article, and upon a finding of the Common Council in consultation with the Chief of Police and the Director of the Albany Parking Authority, the City Clerk may make available a specified number, by zone, of nonresident commuter permits upon authorization of the Common Council.

C. An authorization by the Common Council under this section shall be by legislative enactment, which may be in the form of a resolution, which shall state its findings, the number of nonresident commuter permits which may be issued by zone and the fee therefore.

D. A legislative enactment under this section shall not be made until there has been adequate time to assess the impact of implementation of this article and in no case less than three months from the implementation date of this article.

§ 359-85. Severability.

If any section or sections of this chapter shall be declared unconstitutional or otherwise void and ineffective, the validity of the remainder of the provisions hereof and their application shall not be affected thereby.

§ 359-86. (Reserved)

Section 2. This ordinance shall take effect sixty (60) days after passage.

Council Member Conti asked for passage of ORDINANCE NUMBER 45.71.11 (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF PERMANENT EASEMENTS TO 189, 191, 193, 195 AND 197 JAY STREET OVER AND UPON PORTIONS OF THE CITY RIGHT-OF-WAY OF JAY STREET 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 Member Rosenzweig introduced the following, which was held:

Resolution Number 41.72.11R

RESOLUTION URGING THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES TO RESTORE FUNDING FOR THE ADDICTIONS CARE

CENTER OF ALBANY CRISIS DETOX CENTER

WHEREAS, the Addictions Care Center of Albany is a place of last resort for homeless chronic alcoholics and is the only program of its kind in Albany County; and

WHEREAS, these individuals are generally turned away from traditional homeless shelters because of the severity and nature of their addictions; and

WHEREAS, without an option, these individuals will end up passed out on city streets, inundating the city jails and emergency rooms and causing quality of life issues for city residents; and

WHEREAS, the ACCA Crisis Detox Center is typically at capacity, serving alcoholics who resist treatment and providing a safe haven and an opportunity to get sober; and

WHEREAS, the State Office of Alcoholism and Substance Abuse Services eliminated the entire budget of \$954,000 for this program which served 5,736 people in 2010, 98% of whom were from Albany County; and

WHEREAS, while only a small percentage of these addicted individuals were successful at achieving recovery, they are the most difficult addicts to treat. Without the ACCA, the cost of caring for these individuals more than quadruples, straining the city police force and emergency medical technicians, hospitals and the court system.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany urges the State Office of Alcoholism and Substance Abuse Services to restore funding for this vital program serving the City's neediest residents.

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

Resolution Number 43.72.11R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH GERARD ERIC CORP, D/B/A LIONHEART CAFÉ, FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY ADJACENT TO 448 MADISON AVENUE

BE IT RESOLVED, that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with Gerard Eric Corp, d/b/a Lionheart Cafe for the use and occupancy of a portion of the City right-of-way adjacent to 448 Madison Avenue for the erection of a fence, in conjunction with a sidewalk café, upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

Resolution Number 43.72.11R was Co-Sponsored by Council Members Freeman and Konev.

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

Resolution Number 44.72.11R

RESOLUTION OF THE COMMON COUNCIL APPOINTING PAMELA SAWCHUK BROWN TO THE COMMISSION ON PUBLIC-PRIVATE BUDGETARY COOPERATION

WHEREAS, pursuant to Section 42-370 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Commission on Public-Private Budgetary Cooperation.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby appoints Pamela Sawchuck Brown to the Commission on Public-Private Budgetary Cooperation.

Resolution Number 44.72.11R was Co-Sponsored by Council Members Conti, Freeman, Golby, Igoe, and Konev.

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

Resolution Number 45.72.11R

RESOLUTION OF THE COMMON COUNCIL APPOINTING MARCUS BUCKLEY TO THE COMMISSION ON PUBLIC-PRIVATE BUDGETARY COOPERATION

WHEREAS, pursuant to Section 42-370 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Commission on Public-Private Budgetary Cooperation.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby appoints Marcus Buckley to the Commission on Public-Private Budgetary Cooperation.

Resolution Number 45.72.11R was Co-Sponsored by Council Members Freeman, Golby, Igoe, and Konev.

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

Resolution Number 46.72.11R

A RESOLUTION OF THE COMMON COUNCIL ADOPTING THE FUNDS MANAGEMENT AND INVESTMENT POLICY OF THE CITY OF ALBANY

WHEREAS, pursuant to Section 39 of Article 3 of the General Municipal Law of the State of New York each local government shall adopt a comprehensive investment policy which details the local government's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby adopts the Funds Management and Investment Policy attached hereto and made a part hereof this resolution.

Resolution Number 46.72.11R was Co-Sponsored by Council Members Conti, Freeman, Igoe, Jenkins-Cox, Konev, O’Brien and Rosenzweig.

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 Members O’Brien, Jenkins-Cox, Bailey and Konev offered the following, asked for passage and a roll call vote thereon:

Resolution Number 47.72.11R

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (CENTRAL AVENUE ROAD REHABILITATION PROJECT [P.I.N. 1754.45])

WHEREAS, a Project for the Highway Reconstruction of Central Avenue (Route 5) from the City Limit to Quail Avenue, City of Albany, P.I.N. 1754.45 (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the cost of Preliminary Engineering, Right of Way Incidentals and Construction.

NOW, THEREFORE, the Common Council, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering, Right of Way Incidentals and Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$16,822,769.00 (Sixteen million eight hundred twenty two thousand seven hundred sixty nine dollars and no cents) has already been appropriated from Ordinance No. 15.42.01 and made available to cover the cost of participation in the Preliminary Engineering Phase (\$1,302,000.00); Right of Way Incidentals Phase (\$33,000.00) and the Construction and Construction Inspection Phases (\$15,487,769.00) of the Project; and it is further

RESOLVED, that the additional sum of \$445,393.00 (Four hundred forty five thousand three hundred ninety three dollars and no cents) is hereby appropriated pursuant to Ordinance Nos. 15.42.01 and 34.31.06 and made available to cover the cost of participation in the Construction phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Resolution Number 47.72.11R was Co-Sponsored by Council Member Freeman.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Conti asked and received majority consent to add Resolution Number 49.72.11R to the pending agenda, which was approved by unanimous voice vote.

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

Resolution Number 49.72.11R(MC)

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF JEFFREY SPERRY AS A MEMBER OF THE ALBANY PARKING AUTHORITY

RESOLVED, that in accordance with Section 1493-c of the Public Authorities Law of the State of New York, the Common Council hereby consents to the Mayor's appointment of Jeffrey Sperry as a member of the Albany Parking Authority, for a term of office expiring January 2, 2016.

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

Council Member Conti moved to amend Resolution Number 36.71.11R, and having been amended asked for passage and a roll call vote thereon:

Resolution Number 36.71.11R (as amended)

RESOLUTION OF THE COMMON COUNCIL AMENDING THE RULES OF PROCEDURE IN RELATION TO NEWS COVERAGE, VIDEOTAPING, AND PUBLIC CONDUCT

NOW, THEREFORE, BE IT RESOLVED, that Section 1.2 of Article 1 (Rules Generally) of the Rules of Procedure of the Common Council is amended to read as follows:

SECTION 1.2. Media coverage and equipment.

No person except members, ex-members of the Common Council, City officials and Official Reporters shall be allowed to come within the bar during the session of the Council, without the permission of the Council. Cameras, microphones, and recorders used by the video and audio media shall be placed in a fixed location specified by the President of the Council as space permits. Reporters and photographers shall not walk around the Council chamber or among the Council members.

BE IT FURTHER RESOLVED, that Section 2.2 of Article 2 (Meetings) of the Rules of Procedure of the Common Council is amended to read as follows:

SECTION 2.2. Public Attendance and Conduct.

Meetings shall be open to the public. Those in attendance shall conduct themselves in an orderly fashion and shall not disrupt the Council's business. As a chamber for the conduct of public business rules of decorum must be observed during the meeting.

BE IT FURTHER RESOLVED, that Article 7 (Press/Media) of the Rules of Procedure of the Common Council shall be deleted in its entirety.

Resolution Number 36.71.11R(As Amended) was Co-Sponsored by Council Members Konev 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

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

MISCELLANEOUS AND UNFINISHED BUSINESS

NONE

ADJOURNMENT

Council Member Conti moved for adjournment.

Council President McLaughlin stated, hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of July 18th, 2011.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL