

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, September 21, 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, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith.

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

Council Member Herring led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Terry O'Neil, 102 Willett St., Albany, NY 12210 (Gun Violence)
2. Liz Smith, 10 Peyster St., Albany, NY 12208 (Victim Services)
3. John Cutro, PO Box 505, Niverville, NY 12130 (Victim Sensitivity Servs. For APD & AMCH)
4. Marlon Anderson, 491 Livingston Ave. Albany, NY 12206 (Various Issues)
5. 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 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 the committee met on September 16, 2009. He thanked Council Member Rosenzweig for conducting the meeting in his absence. The committee favorably recommended Resolutions 21.21.09R(John J. Wagner-HRC), 72.91.09R (Christopher T. Burke – APA), and 73.91.09R (Beth Lacey – APA).

Law, Buildings, and Code Enforcement – Council Member Igoe stated that the committee would be meeting on September 22, 2009 to discuss Ordinance 57.91.09 regarding aggressive solicitation.

General Services, Health and Environment – Council Member O'Brien stated that the committee would be meeting September 23, 2009 to discuss pesticide use at the landfill and Ordinance 58.91.09 (mutliresidential recycling)

Human Resources and Human Rights – Council Member Conti on behalf of Council Member Casey stated that the committee would be meeting on September 28, 2009 to discuss the reappointment of Grace White to the Human Rights Commission.

CONSIDERATION OF ORDINANCES

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

Ordinance Number 60.92.09

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO HEARING PROCEDURES BEFORE THE BOARD OF ZONING APPEALS

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

Section 1. Section 375-18 of the Code of the City of Albany is amended to read as follows:

A. The applicant must submit a complete application to the Director to be granted a hearing by the Board. A hearing shall not be scheduled and noticed until a complete application has been received and is available to the public. A complete application shall include the following:

(1) Appropriate standard forms, fully and accurately completed and signed, as required by other provisions of this chapter or by the rules and regulations adopted by the Board for the conduct of its business.

(2) Other information or documentation, as required by this chapter or by the rules and regulations of the Board.

(3) Payment of the applicable fee.

(4) The name, residence and nature and extent of the interest of any state officer or any officer or employee of the City or County of Albany in the applicant or in the subject property, to the extent such interest is known to the applicant, as required by § 809 of the General Municipal Law of the State of New York.

B. Notwithstanding Subsection A of this section, a hearing shall not be granted or scheduled in instances where the applicant, or the owner of property which is the subject of the application, is an owner, part-owner or has an ownership interest in a building or buildings subject to the standards of Article XI (Maintenance of Vacant Buildings) or Article XIA (Vacant Building Registry) of Chapter 133 of this Code and such buildings are not in compliance thereto. In such instances, an application which is otherwise complete in accordance with Subsection A of this section shall be held pending the resolution of issues related to compliance with such articles and payment of any penalties if applicable.

Section 2. Section 375-19 of the Code of the City of Albany is amended by adding a new subsections D and E to read as follows:

D. Whenever an applicant submits additional information or documentation in support of an application subsequent to a public hearing, the applicant shall reappear before the Board to present such information or documentation at a public hearing noticed in accordance with the provisions of this chapter and an opportunity for public comment. Any additional information or documentation in support of an application shall be available to the public at the time such hearing is noticed.

E. At any meeting of the Board, no motion shall be in order to rescind or amend a previous decision of the Board unless such motion has been publicly noticed and is subject to a public hearing in accordance with the provisions of this chapter and an opportunity for public comment. Any information or documentation that is the basis of such motion shall be available to the public at the time such hearing is noticed.

Section 3. This ordinance shall take effect immediately.

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

CONSIDERATION OF RESOLUTIONS

Council Member Herring asked for passage of RESOLUTION NUMBE 21.21.09R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JOHN J. WAGNER AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION), which had been previously introduced.

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

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

Affirmative 12 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 72.91.09R (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF CHRISTOPHER T. BURKE AS A MEMBER OF THE ALBANY PARKING AUTHORITY), which had been previously introduced.

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

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

Affirmative 12 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 73.91.09R (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF BETH LACEY AS A MEMBER OF THE ALBANY PARKING AUTHORITY), which had been previously introduced.

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

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

Affirmative 12 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 O'Brien responded to comments regarding the Harriman Campus and stated that the City of Albany has no authority over New York State or the University. He stated that he would talk to members of the committee to invite people in to discuss the impact of the project at the Harriman Campus.

Council Member Calsolaro discussed that he talked to the Avery family and the Reverend was unable to make it to tonight's meeting but he asked him to share a letter about the incident at Albany Medical Hospital. He read the letter aloud. He stated that hopefully the Albany Police Department and the Public Safety Committee could get a meeting together to discuss this issue and the things that happened that night.

Council Member Smith thanked Council Member Calsolaro for reading the letter and stated that hearing the letter again was excruciating. She stated that we have to look at the racial dynamics because, as one of the speakers mentioned, it was a totally different atmosphere when Lt. Finn was taken to the hospital and their family was not treated like the Avery family had been. She stated that the intervention program needs to be up

and running at Albany Medical Hospital so that there's clear protocol. She stated that there needs to be a Public Safety committee meeting as soon as possible to discuss and clarify what the best practices are.

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 September 21st 2009.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL