

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

Monday, October 15 2012

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 were the following staff: Cashawna Parker, Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member Jenkins-Cox led the Pledge of Allegiance.

PUBLIC HEARING

Clerk to the Common Council Nala Woodard read the notice of the public hearing on ORDINANCE NUMBER 36.101.112 AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 1, 2012, FOR FISCAL YEAR 2013. The following individuals spoke:

1. Dan Egan, 42 Manning Boulevard, Albany, NY 12203 (Funding for Bleeker Stadium concession stand);
2. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (Funding for an Office of Urban Affairs);
3. Cyndy Allen, 179 Hollywood Avenue, Albany, NY 12209 (Funding for Bleeker Stadium concession stand);
- 4.. Vincent Riguso, 13 Beach Avenue, Albany, NY 12203 (Fire Department equipment purchases and real property taxes).

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (Cabaret Permits);
2. Kendall Meredith, 1 St. Joseph's Terrace, Albany, NY 12210 (Oppose Brewery Proposal for St. Joseph's Church).

There being no further speakers, the President declared the public comment period closed.

CONSIDERATION OF LOCAL LAWS

Council Member Igoe introduced LOCAL LAW A-2012, which was referred to the Law, Buildings and Code Enforcement Committee:

**AN ORDINANCE AMENDING PART 2 (DEPARTMENT OF FIRE) OF CHAPTER 42
(DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN
RELATION DEPARTMENTAL FUNCTIONS**

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

Section 1. Sections 42-58.1 and 42-58.2 of Article VIII of Part 2 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-58.1. Departmental functions.

The Department of Fire, Emergency and Building Services shall perform all fire-fighting, fire safety, fire prevention and fire investigation services required in the City and to serve and promote the public health, safety and welfare.

The Department of Fire, Emergency and Building Services shall provide all initial emergency paramedic life support response services as required.

~~[C. The Department shall have a Division of Building and Codes to oversee, administer and manage the building permit and code enforcement processes in the City. This function shall consist of, but not necessarily be limited to, the review of applications and plans for building permits and the imposition and collection of the requisite fees therefore, together with all aspects of permits, licenses and inspections involving electric, plumbing, heating, ventilating and air conditioning (HVAC) installations, elevators and all other building construction and occupancy issues and requirements under this code and state law. The person charged with the responsibility of administering these duties shall be the Director of the Division of Buildings and Codes and shall be either a civil engineer of not fewer than five years experience in such profession or an architect, a general building contractor or a person engaged in the supervision of building construction with at least 10 years actual experience in such profession or occupation. The Division of Buildings and Codes shall assume and be vested with all powers and duties previously exercised and performed by the Bureau of Buildings as set forth and established in Chapter 20, together with those enumerated in Chapter 133 (Building Construction) and Chapter 231 (Housing) of this code.]~~

42.58.2 [References;] [s]Supersession.

~~[A. Any and all powers, duties and references in state or local law, rule or regulation to the Department of Buildings, Bureau of Buildings, Superintendent of Building, Commissioner of Buildings, Deputy Commissioner of Buildings and similar, like connotations and terms shall be hereafter interpreted and are hereby amended to mean and read "Department of Fire, Emergency and Building Services," "Chief of the Department of Fire, Emergency and Building Services" or his designee.]~~

[B.] To the extent inconsistent herewith, Article 9 of the Second Class Cities Law is hereby superseded.

Section 2. This ordinance shall take effect immediately.

Council Member Igoe introduced LOCAL LAW B-2012, which was referred to the Law, Buildings and Code Enforcement Committee:

AN ORDINANCE AMENDING CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY ADDING THERETO A DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE AND ESTABLISHING THE QUALIFICATION FOR THE COMMISSIONER

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

Section 1. Section 133-16 of Article II of Part 1 of Chapter 133 of the Code of the City of Albany is amended to read as follows:

133-16 Expiration of permit.

Any permit issued by the [~~Superintendent of Buildings~~] Commissioner of Buildings and Regulatory Compliance [~~under which no work has been commenced within one year of the date of issue shall expire by limitations~~] shall expire upon the one year anniversary of said permit, unless the permit holder has requested, and has received, an extension from the Division of Buildings and Regulatory Compliance.

Section 2. Section 133-48 of Article IX of Part 2 of Chapter 133 of the Code of the City of Albany is amended to read as follows:

§ 133-48 [~~Commissioner of Buildings; qualifications and appointment~~] Department of Buildings and Regulatory Compliance.

~~The Commissioner of Buildings of the City of Albany shall be the head of the Building Department. The Commissioner shall be either a civil engineer of not fewer than five years' experience in such profession or an architect, a general building contractor or a person engaged in the supervision of building construction with at least 10 years' actual experience in such profession or occupation. The Commissioner of Buildings shall be appointed by the Mayor and serve at his pleasure.~~

The function of the Department of Buildings and Regulatory Compliance shall consist of, but not necessarily be limited to, the review of applications and plans for building permits and the imposition and collection of the requisite fees therefore, together with all aspects of permits, licenses and inspections involving electric, plumbing, heating, ventilating and air conditioning (HVAC) installations, elevators and all other building construction and occupancy issues and requirements under this code and state law. The Department shall assume and be vested with all powers and duties previously exercised and performed by the Division of Buildings and Code and/or the Bureau of Buildings as set forth and established in Chapter 20, together with those enumerated in this Chapter 133 (Building Construction) and Chapter 231 (Housing) of this code.

Section 3. Sections 133-48.1 and 133-48.2 are hereby added to Article IX of Part 2 of Chapter 133 of the Code of the City of Albany and shall read as follows:

§ 133-48.1 Commissioner; qualifications and appointment.

The Commissioner shall be the head of the Department of Buildings and Regulatory Compliance. The Commissioner shall be either a civil engineer of not fewer than five years' experience in such profession or a licensed attorney of not fewer than five years experience handling matters dealing with state and local building codes in addition to planning and zoning laws and regulations or an architect, a general building contractor or a person engaged in the supervision of building construction with at least 10 years' actual experience in such profession or occupation. The Commissioner shall be appointed by the Mayor and serve at his pleasure.

§ 133-48.2 References.

Any and all powers, duties and references in state or local law, rule or regulation to the Department of Buildings, Bureau of Buildings, Superintendent of Building, Commissioner of Buildings, Deputy Commissioner of Buildings and similar, like connotations and terms shall be hereafter interpreted and are hereby amended to mean and read “Department of Buildings and Regulatory Compliance”, “Commissioner of the Department of Buildings and Regulatory Compliance” or his designee.

Section 4. This ordinance shall take effect immediately.

Council Member Konev offered LOCAL LAW F-2012 (As Amended 5-2-11) (A LOCAL LAW AMENDING ARTICLE 2 (ELECTIVE OFFICERS) AND ARTICLE 4 (LEGISLATIVE BRANCH) OF THE CHARTER OF THE CITY OF ALBANY IN RELATION TO RESTRUCTURING THE COMMON COUNCIL), which had previously been amended and introduced, and asked for passage and a roll call vote thereon.

**Note: Council Members Konev, O’Brien, Conti, Calsolaro, Commisso, Golby, Rosenzweig, and Jenkins-Cox spoke on this local law prior to passage.*

The ordinance FAILED by the majority vote of the following Council Members:

Affirmative – Commisso, Konev, and Rosenzweig

Negative – Bailey, Calsolaro, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, O’Brien, Sano, and Smith

Affirmative 3 Negative 12 Abstain 0

Council Member Konev moved to amend Local Law H-2010 and Local Law I-2010 and requested that they remain on the pending agenda.

The remaining local laws on the agenda were held at the request of President Pro-Tempore Conti.

REPORTS OF STANDING COMMITTEES

Public Safety – Chairwoman Smith stated that the Committee met last week to interview candidates for the Citizen’s Police Review Board. The Committee has made a selection to recommend to the full Council.

Council Operations and Ethics – Chairman Conti stated that the Committee met Wednesday, October 10, 2012 to discuss Local Law F-2012, which was referred out of Committee with no recommendation, Local Law H-2010 which was referred out of Committee with no recommendation and Local Law I-2010 which was referred out of Committee with a negative recommendation to the full Council. The Committee will be looking to take up the rest of the legislation that had been referred after the budget process.

Planning, Economic Development and Land Use – Chairman Herring stated that the Committee met on October 11, 2012 at 5:30 p.m. to discuss Ordinance Number 35.101.12 relating to Cabaret Permits, which the Committee held until the appeals process has taken place and the City has a better idea of potential issues. Resolution Number 59.101.12R relating to a County land bank was recommended out of Committee with a positive recommendation.

CONSIDERATION OF ORDINANCES

Council Member Konev moved to amend ORDINANCE NUMBER 14.21.10 and requested it remained on the pending agenda.

President Pro-Tempore Conti discharged ORDINANCE NUMBER 14.21.10 out of the General Services, Health and Environment Committee and Buildings and referred ORDINANCE NUMBER 14.21.12 to the Law, Building and Code Enforcement Committee.

Council Member Konev withdrew ORDINANCE NUMBER 68.52.10.

The remaining ordinances on the agenda were held at the request of President Pro-Tempore Conti.

CONSIDERATION OF RESOLUTIONS

President Pro-Tempore Conti asked and received majority consent to add RESOLUTION NUMBERS 60.102.12R, 61.102.12R, 62.102.12R, 63.102.12R, and 64.102.12R to the agenda, which was approved by unanimous voice vote.

Council Member Sano introduced RESOLUTION NUMBER 60.102.12R (RESOLUTION OF THE ALBANY COMMON COUNCIL COMMEMORATING OCTOBER AS NATIONAL ITALIAN-AMERICAN HERITAGE MONTH), asked for passage and a roll call vote thereon:

WHEREAS, Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law and politics; and

WHEREAS, Italian Americans have won prestigious prizes, such as the Nobel Prize, the Pritzker Award for architecture, and the Fields Medal for mathematics; and

WHEREAS, Italians and Italian Americans invented pianos, violins, calendars, radios, telescopes, compasses, microscopes, thermometers, eye glasses, steam engines, typewriters and batteries; and

WHEREAS, Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotto and Michelangelo and the inspirational music of Antonio Vivaldi and Domenico Scarlatti; and

WHEREAS, Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813; and

WHEREAS, Italians, like Amerigo Vespucci and Christopher Columbus, were some of the first Europeans to explore the American continents and illustrate the geography; and

WHEREAS, in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first European explorer to record his findings on the Americas, a national observance day was established in October 1937 by President Franklin Roosevelt proclaiming every October 12th as Columbus Day, and in 1971 amended, by President Richard Nixon as a federal public holiday on the 2nd Monday in October of every year; and

WHEREAS, the Americas were named after the Italian explorer Amerigo Vespucci; and

WHEREAS, our freedom itself was gained with the help of three Italian regiments that crossed the Atlantic to fight in the Revolutionary War; and

WHEREAS, in later wars and conflicts, dozens of Italian-Americans would receive the Medal of Honor including Albany native Peter D'Alessandro; and

WHEREAS, the phrase in the Declaration of Independence "All men are created equal", was suggested by the Italian patriot and immigrant Philip Mazzei; and

WHEREAS, William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

WHEREAS, Italian Americans have toiled and labored while helping to build our Nation's infrastructure, including railroads, tunnels, highways and subways; and

WHEREAS, a great many Americans have enjoyed the entertainment provided by Italian Americans, such as Hall of Fame baseball players Joe DiMaggio and Phil Rizzuto, singer and songwriter Frank Sinatra, world-renowned composer Henry Mancini and Oscar-winning actor Robert DeNiro; and

WHEREAS, the people of the United States take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our Nation's history in the scientific field such as Enrico Fermi, who won the 1938 Nobel Prize in Physics; and

WHEREAS, great Italian American political figures, such as Fiorella LaGuardia (who was both Mayor of, then Congressman from, New York City), Anthony Celebrezze (who, in the Kennedy administration, was the first Italian American Cabinet member), and Antonin Scalia (who, in 1982, became the first Italian American Supreme Court Justice), have enriched the political process and brought national pride to our country; and

WHEREAS, over 6 million Italians have immigrated to the United States, which today has resulted in almost 30 million Americans of Italian descent in the United States, making them the fifth largest ethnic group; and

WHEREAS, during October special attention should be directed in our schools and other local programs to promote Italian heritage and culture.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany supports the goals and ideas of "Italian-American Heritage Month" and encourages the community to recognize the significant contributions that Italian-Americans have made to the United States.

The resolution passed by the majority vote of the following Council Members:

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

Resolution Number 60.102.12R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, and Smith

Council Member Sano introduced RESOLUTION NUMBER 61.102.12R (RESOLUTION CONGRATULATING DR. ANTHONY TARTAGLIA ON BEING NAMED THE 2012 ITALIAN AMERICAN OF THE YEAR), asked for passage and a roll call vote thereon:

WHEREAS, Dr. Anthony Tartaglia was born and raised in Albany in an Italian immigrant family whose values instilled in him a love of learning, the arts, and the world of ideas. Although he did not know English when he entered school, he achieved great success in the Albany public schools and then graduated with honors from Union College, and

WHEREAS, Dr. Tartaglia chose medicine as a career and attended and graduated from the University of Rochester Medical School in 1958. Completing his residency training at the Albany Medical Center Hospital, he began his work there as an attending physician and hematologist in 1963 and as a teacher at Albany Medical College. Dr. Tartaglia's accomplishments as an attending physician and medical researcher led to a number of medical executive appointments, such as Chief of Hematology, Chief of Medicine, Executive Vice President for Patient Care, General Director of Albany Medical Center Hospital, and culminated with his prestigious appointment as Dean of Albany Medical College from 1990 through 1995, and

WHEREAS, when his work as dean was completed, Dr. Tartaglia continued his clinical and teaching work, as well as leadership roles in several innovative medical organizational initiatives. In addition, he also volunteers his time as a director on important community boards such as The Double H Ranch summer camp for seriously ill children, and the Albany Symphony and Opera Saratoga.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates Dr. Anthony Tartaglia on being honored as the 2012 Italian American of the Year and thanks him for his contributions to the community.

The resolution passed by the majority vote of the following Council Members:

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

Resolution Number 61.102.12R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, and Smith

Council Member Sano introduced RESOLUTION NUMBER 62.102.12R (RESOLUTION WELCOMING DAVID RIGHESCHI, OPERATIC TENOR, TO THE CITY OF ALBANY), asked for passage and a roll call vote thereon:

WHEREAS, David Righeschi has been a featured tenor in performances throughout Italy and most of Europe and performed many concerts in France, Belgium Greece, and Germany, along with Israel, Syria and Lebanon, and

WHEREAS, he was born in Montevarchi, Tuscany, and gave his debut as the Duke of Mantova in Verdi's "Rigoletto" in 2001. Since then he has sang as a soloist in Verdi's "Messa da Requiem,"

Puccini's "La Boheme," Verdi's "Rigoletto," Puccini's "Tosca" and numerous other outstanding performances, and

WHEREAS, in 2008 he won the "Puccini Premio del Pubblico" award in Viarreggio, and has won numerous other prestigious awards to date, and

WHEREAS, his concerts are a showcase for his gifted voice and powerful interpretations of the world's most beautiful music. The Italian American Community Center will be bringing Mr. Righeschi to the United States for a concert on Sunday October 21, as part of an ambitious cultural program during Italian American Heritage Month.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany welcomes David Righeschi to the City of Albany and applauds his work and his art.

The resolution passed by the majority vote of the following Council Members:

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

Resolution Number 62.102.12R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, and Smith

Council Member Calsolaro introduced RESOLUTION NUMBER 63.102.12R (RESOLUTION DECLARING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH), on behalf of Common Council President McLaughlin, and asked for passage and a roll call vote thereon:

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels; and

WHEREAS, domestic violence is widespread and affects over four million Americans each year; and

WHEREAS, one in three Americans have witnessed an incident of domestic violence; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany proclaims the month of October as Domestic Violence Awareness Month and urge the citizens of Albany to work together to eliminate domestic violence from our community.

The resolution passed by the majority vote of the following Council Members:

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

Resolution Number 63.102.12R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, and Smith

Council Member Smith introduced RESOLUTION NUMBER 64.102.12R (RESOLUTION OF THE COMMON COUNCIL APPOINTING DAVID A. ROZEN AS A MEMBER OF THE CITIZENS' POLICE REVIEW BOARD), asked for passage and a roll call vote thereon:

NOW, THEREFORE, BE IT RESOLVED, that David A. Rozen be and hereby is appointed as a member of the Citizens' Police Review Board to fill an unexpired term of office expiring October 26, 2013.

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

The resolution passed by the majority vote of the following Council Members:

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

Resolution Number 64.102.12R was co-sponsored by Council Members Calsolaro, Conti, Freeman, Golby, Konev, O'Brien, and Sano

Council Member Calsolaro offered RESOLUTION NUMBER 59.101.12 (RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE PASSAGE OF ALBANY COUNTY LEGISLATIVE RESOLUTION NUMBER 364 ESTABLISHING THE ALBANY COUNTY PROPERTY DEVELOPMENT CORPORATION, A NEW YORK LAND BANK, PURSUANT TO ARTICLE 16 OF THE NEW YORK STATE NOT-FOR-PROFIT CORPORATION LAW AND AUTHORIZING THE EXECUTION OF AGREEMENTS WITH MUNICIPALITIES LOCATED WITHIN ALBANY COUNTY), which had been previously introduced, and asked for passage and a roll call vote thereon.

The resolution passed by the majority vote of the following Council Members:

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

Negative – Commisso and Rosenzweig

Affirmative 13 Negative 2 Abstain 0

Resolution Number 59.101.12R was co-sponsored by Council Members Bailey, Conti, Fahey, Freeman, Golby, Herring, Jenkins-Cox, Konev, O'Brien, Sano and Smith.

The remaining resolutions on the pending agenda were held at the request of Council President Pro-Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Konev discussed setting universal rules for committee meetings because he feels there are different sets of rules for different committees. He discussed different public comment period times during committee meetings, when departments get to offer input, and when Council Members get to ask questions.

Council Member Herring explained that public comment is held at the beginning of committee meetings so that the committee can then discuss the issues and suggestions that arose during public comment. He stated that it is at the discretion of Committee Chairs to direct meetings in the manner that they see fit and the agenda may change depending on the subject matter and when department heads are available to speak with the committee.

ADJOURNMENT

President Pro-Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of October 15th, 2012.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL