

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, November 19, 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, 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 Rosenzweig led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (Youth Issues)

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

President Pro Tempore Conti made a motion to approve the minutes of the September 6, 2012, September 20, 2012, October 1, 2012 and October 15, 2012 meetings, which was approved by a unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Finance, Taxation and Assessment - Chairman Sano stated that the Committee has been meeting two to three times a week over the last month on the proposed 2013 budget. He stated there would be a final amended budget forthcoming by the end of the month.

Planning, Economic Development and Land Use – Chairman Herring stated that the Committee would be meeting on November 27, 2012 at 5:30 p.m. to interview the three applicants to the IDA/CRC.

CONSIDERATION OF ORDINANCES

Council Member Bailey introduced ORDINANCE NUMBER 39.112.12 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 55 FIRST STREET (TAX MAP #65.82-1-66), 238 FIRST STREET (TAX MAP #65.64-5-8), 248 FIRST STREET (TAX MAP #65.64-4-28), 250 FIRST STREET (TAX MAP #65.64-4-27) 51 SECOND STREET (TAX

MAP#65.74-4-66) AND 54 MORTON AVENUE (TAX MAP #76.56-2-19) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE ALBANY COMMUNITY DEVELOPMENT AGENCY), which was held.

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 properties known as 55 First Street (Tax Map #65.82-1-66), 238 First Street (Tax Map #65.64-5-8), 248 First Street (Tax Map #65.64-4-28), 250 First Street (Tax Map #65.64-4-27), 51 Second Street (Tax Map#65.74-4-66) and 54 Morton Avenue (Tax Map #76.56-2-19) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the Albany Community Development Agency.

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

Section 2. It is hereby determined that the aforesaid properties have 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 Freeman introduced ORDINANCE NUMBER 40.112.12 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 156.5 LIVINGSTON AVENUE (TAX MAP #65.74-1-22), 34 NORTH SWAN STREET (TAX MAP #65.74-1-32), 43 NORTH SWAN STREET (TAX MAP #65.74-4-75), 86 NORTH SWAN STREET (TAX MAP #65.81-1-10), 29 CATHERINE STREET (TAX MAP #76.57-5-41), 18 THIRD AVENUE (TAX MAP #76.73-4-2), 245 GREEN STREET (TAX MAP #76.65-5-28), 247 GREEN STREET (TAX MAP #76.65-5-29), 102 CLINTON STREET (TAX MAP #76.73-1-9) AND 104 CLINTON STREET (TAX MAP #76.73-1-10) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE ALBANY HOUSING AUTHORITY AND/OR AHA LANDBANK, LLC), which was held:

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 properties known as 156.5 Livingston Avenue (Tax Map #65.74-1-22), 34 North Swan Street (Tax Map #65.74-1-32), 43 North Swan Street (Tax Map #65.74-4-75), 86 North Swan Street (Tax Map #65.81-1-10), 29 Catherine Street (Tax Map #76.57-5-41), 18 Third Avenue (Tax Map #76.73-4-2), 245 Green Street (Tax Map #76.65-5-28), 247 Green Street (Tax Map #76.65-5-29), 102 Clinton Street (Tax Map #76.73-1-9) and 104 Clinton Street (Tax Map #76.73-1-10) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the Albany Housing Authority and/or AHA Landbank, LLC.

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

Section 2. It is hereby determined that the aforesaid properties have 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 Commisso introduced ORDINANCE NUMBER 41.112.12 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 190 KARNER ROAD (TAX MAP #41.00-2-127), 175 RAPP ROAD (TAX MAP #41.00-2-111) AND 200 RAPP ROAD (TAX MAP #41.00-1-12 AND #41.00-2-109) BE SOLD AT PRIVATE SALE TO THE STATE OF NEW YORK), which was held:

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 properties known as 190 Karner Road (Tax Map #41.00-2-127), 175 Rapp Road (Tax Map #41.00-1-12 and #41.00-2-111) and 200 Rapp Road (Tax Map #41.00-2-109) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the State of New York.

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

Section 2. It is hereby determined that the aforesaid properties have 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 Smith introduced ORDINANCE NUMBER 42.112.12 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF A PORTION OF JACKSON STREET IN THE CITY OF ALBANY), which was held:

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

Section 1. It is hereby ordered and directed that the portion of Jackson Street that lies north and west of 725 Broadway (Tax Map #76.8-1-2) to its intersection with Livingston Avenue be discontinued and closed.

Section 2. It is hereby determined that the aforesaid right-of-way has been abandoned for municipal or public purposes.

Section 3. The form, content and description of the right-of-way to be closed shall be approved by the Corporation Counsel.

Section 4. This ordinance shall take effect immediately after public hearing and final passage.

Council Member Smith introduced ORDINANCE NUMBER 43.112.12 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO AN ABANDONED PORTION OF JACKSON STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO 733 BROADWAY), which was held:

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 the abandoned portion of Jackson Street that lies north and west of 725 Broadway (Tax Map #76.8-1-2) to its intersection with Livingston Avenue be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to 733 Broadway.

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.

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

CONSIDERATION OF RESOLUTIONS

Council Member Bailey introduced RESOLUTION NUMBER 68.112.12R (A RESOLUTION AUTHORIZING THE CITY ASSESSOR TO ACCEPT A LATE APPLICATION FOR TAX EXEMPTIONS FROM HOLDING OUR OWN, INC. AND AUTHORIZING THE ASSESSOR TO CORRECT THE 2009 AND 2010 TAX ROLLS FOR THE EXEMPTION OF THE PROPERTIES LOCATED AT 373 CENTRAL AVENUE AND 356 AND 358 SHERMAN STREET IN THE CITY OF ALBANY) asked for passage and a roll call vote thereon:

WHEREAS, Holding Our Own, Inc. acquired title to property located at 373 Central Avenue (Tax Map #65.46-1-41), 356 Sherman Street (Tax Map #65.46-1-38) and 358 Sherman Street (Tax Map #65.46-1-37) in the City of Albany on June 9, 2009; and

WHEREAS, the property would have been entitled to an exemption under Section 420-a of the New York State Real Property Tax Law for the 2009 assessment roll if said property had been

acquired prior to March 1, 2009; and

WHEREAS, the New York State Legislature has adopted legislation authorizing Holding Our Own, Inc. to file a late application with the City of Albany for property tax exemptions on said properties, and authorizing that the City may accept such an application if the Common Council approves; and

WHEREAS, Holding Our Own, Inc. has requested that the Common Council authorize the City Assessor to accept and review said application as if it had been received on or before the deadline for the filing such an application.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby authorizes the City Assessor to accept a late application for tax exemptions from Holding Our Own, Inc., and if said application is approved, authorizes the Assessor to correct the 2009 and 2010 tax rolls regarding such exemptions for the properties located at 373 Central Avenue, 356 Sherman Street and 358 Sherman Street in the City of Albany.

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, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano, and Smith

Affirmative 14 Negative 0 Abstain 0

Resolution Number 68.112.12R was co-sponsored by Council Members Conti, Freeman, Jenkins-Cox, Konev and Smith

Council Member Sano introduced RESOLUTION NUMBER 69.112.12R (A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE TRANSFER OF BUDGETED FUNDS FOR THE 2012 FISCAL YEAR REGARDING THE COLLECTIVE BARGAINING AGREEMENT WITH THE BLUE COLLAR WORKERS UNION LOCAL 1961 AFSCME COUNCIL 66 AFL-CIO), asked for passage and a roll call vote thereon:

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany requires that any transfer of budgeted funds that affects any salary rate or total, outside of those described in the duly adopted budget, must be consented to by the Common Council; and

WHEREAS, the City of Albany has negotiated a collective bargaining agreement with the Blue Collar Workers Union Local 1961 AFSCME Council 66 AFL-CIO; and

WHEREAS, pursuant to the requirements set forth in the City Charter the collective bargaining agreement is conditioned upon the approval of a transfer of budgeted funds by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds during the 2012 fiscal year pursuant to the collective bargaining agreement with the Blue Collar Workers Union Local 1961 AFSCME Council 66 AFL-CIO.

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

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

Affirmative 14 Negative 0 Abstain 0

Resolution Number 69.112.12R was co-sponsored by Council Members Freeman, Igoe, Jenkins-Cox, Konev, O’Brien and Rosenzweig

Council Member Sano introduced RESOLUTION NUMBER 70.112.12R (RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID WATER AND SEWER CHARGES), which was held:

WHEREAS, Section 604(e) of the Charter of City of Albany states that “all water and sewer charges shall be collected by the City Treasurer in the manner set forth in Second Class Cities Law and be a lien upon the property assessed as a general City tax and as a part thereof shall be levied and collected” pursuant to the procedures set forth in Section 604 of the City Charter; and

WHEREAS, Public Authorities Law Section 1115-i(9) calls for all unpaid water and sewer charges in the preceding year to be levied and placed on annual tax rolls of the City of Albany under the name “delinquent water and sewer charges”; and

WHEREAS, the Chief Financial Officer of the Albany Water Board has filed with the City of Albany a statement of unpaid water and sewer charges for the year 2012 totaling \$5,000,000.00.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be a delinquent water and sewer charge levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid water and sewer charges for the year 2012 by the Albany Water Board.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$5,000,000.00, shall be placed on the 2012 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2013 tax bills.

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

Council Member Sano introduced RESOLUTION NUMBER 71.112.12R (RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID CHARGES OF THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES, DEPARTMENT OF BUILDING AND CODES AND THE DEPARTMENT OF GENERAL SERVICES), which was held:

WHEREAS, the Department of Fire and Emergency Services was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of Building and Codes was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of General Services was created under Part 5 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, all of the above-referenced departments have the ability to apply charges to real property the services they perform at those properties during the course of any tax year; and

WHEREAS, those charges are transmitted to the Treasurer of the City of Albany and collected by the Treasurer; and

WHEREAS, Chapter 258, Section 258-2 of the Code of the City of Albany provides that “any unpaid fees, fines or penalties levied against property, or owner(s) thereof, within the City of Albany that are owed to the City of Albany for the violation of any or all City laws, ordinances and promulgations, and of all state laws, shall be and remain a lien against the property, and such fees, fines or penalties shall be collected by the City from the owner(s) of such property in the same manner as taxes are collected, in that such fees, fines or penalties shall be added to the property tax bill of the subject property”; and

WHEREAS, on or about November 15 of each year, the Treasurer creates an accounting of all these charges that remain uncollected from the preceding year; and

WHEREAS, all of these charges uncollected in the preceding year need to be levied and placed on the annual tax roll of the City of Albany; and

WHEREAS, the Treasurer of the City of Albany has filed with the Common Council a statement of unpaid charges for the year 2012 totaling \$1,231,968.49.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be delinquent charges levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid charges for the year 2012 by the City of Albany.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$1,231,968.49, shall be placed on the 2012 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2013 tax bills.

RESOLVED, that the charges totaling \$1,231,968.49 represent the following:

- 1) Delinquent Board-up Charges - \$ 43,550.35
- 2) Delinquent Demolition Charges - \$ 616,433.00
- 3) Delinquent Illegal Debris Charges - \$ 510,563.89
- 4) Delinquent Snow Removal Charges - No charges
- 5) Delinquent ROP Charges - \$ 61,421.25

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

Council Member Sano introduced RESOLUTION NUMBER 72.112.12R (RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY OF 2013 BUSINESS IMPROVEMENT DISTRICT (BID) CHARGES AND AUTHORIZING THE TREASURER TO PLACE SUCH CHARGES ON THE 2013 TAX BILLS), which was held:

WHEREAS, the Lark Street Area Business Improvement District (BID) was established by the Common Council on November 6, 1995 by Local Law No. 10-1995; and

WHEREAS, the Downtown Albany Business Improvement District (BID) was established by the Common Council on November 20, 1995 by Local Law No. 11-1995; and

WHEREAS, the Central Business Improvement District (BID) was established by the Common Council on November 17, 1997 by Local Law No. 5-1997; and

WHEREAS, the operation of the BID is governed by the provisions set forth in Article 19-A of the General Municipal Law, Section 980j of which requires that the expense incurred in the operation of the district shall be financed in accordance with the district plan upon which the establishment of the district was based, and that the district charge upon benefited real property shall be imposed as provided in the district plan; and that the charge shall be determined, levied, and collected in the same manner and at the same time and by the same officers as the general municipal taxes are levied and collected; and

WHEREAS, the proposed 2013 Lark Street BID budget, includes \$ _____ in anticipated revenue to be generated by the BID charge; and;

WHEREAS, the proposed 2013 Downtown BID budget, includes \$ _____ in anticipated revenue to be generated by the BID charge; and;

WHEREAS, the proposed 2013 Central BID budget, includes \$ _____ in anticipated revenue to be generated by the BID charge; and;

NOW, THEREFORE, BE IT RESOLVED, that the combined amount of the three BID budgets totaling \$ _____ shall constitute a levy of the amount to be raised by the BID charge, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in each BID in accordance with the BID plans, and to collect the same.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$ _____, shall be placed on the 2012 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties' 2013 tax bills.

RESOLVED, that the charges totaling \$ _____ represent the following:

- 1) Lark Street Area Business Improvement District - \$ _____
- 2) Downtown Albany Business Improvement District - \$ _____
- 3) Central Business Improvement District - \$ _____

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

President Pro Tempore Conti asked and received majority consent to add Resolution Number 73.112.12R to the agenda, which was approved by unanimous voice vote.

Council Member Sano introduced RESOLUTION NUMBER 73.122.12R (MC) (A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE TRANSFER OF BUDGETED FUNDS FOR THE 2012 FISCAL YEAR REGARDING THE COLLECTIVE BARGAINING AGREEMENT WITH THE ALBANY POLICE OFFICERS UNION, LOCAL 2841, LAW ENFORCEMENT OFFICERS UNION COUNCIL 82, AFSCME, AFL-CIO (PATROL OFFICERS), asked for passage and a roll call vote thereon:

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany requires that any transfer of budgeted funds that affects any salary rate or total, outside of those described in the duly adopted budget, must be consented to by the Common Council; and

WHEREAS, the City of Albany has negotiated a collective bargaining agreement with the Albany Police Officers Union, Local 2841, Law Enforcement Officers Union Council 82, AFSCME, AFL-CIO (Patrol Officers); and

WHEREAS, pursuant to the requirements set forth in the City Charter the collective bargaining agreement is conditioned upon the approval of a transfer of budgeted funds by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds during the 2012 fiscal year pursuant to the collective bargaining agreement with the Albany Police Officers Union, Local 2841, Law Enforcement Officers Union Council 82, AFSCME, AFL-CIO (Patrol Officers).

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

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

Affirmative 14 Negative 0 Abstain 0

Resolution Number 73.112.12R(MC) was Co-Sponsored by Council Members Bailey, Freeman, Igoe, Jenkins-Cox, Konev, and O’Brien.

Council Member Sano asked for passage of RESOLUTION NUMBER 58.101.12R (A RESOLUTION AUTHORIZING THE CITY ASSESSOR TO ACCEPT A LATE APPLICATION FOR A TAX EXEMPTION FROM ALBANY COUNTY AND AUTHORIZING THE ASSESSOR TO CORRECT THE 2012 TAX ROLL FOR THE EXEMPTION OF THE COUNTY-OWNED PROPERTY LOCATED AT 30 CLINTON AVENUE IN THE CITY OF ALBANY), which had been previously introduced.

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

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

Affirmative 14 Negative 0 Abstain 0

Resolution Number 58.101.12R was Co-Sponsored by Council Members Bailey, Freeman, Igoe, Jenkins-Cox, Konev and Smith.

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

MISCELLANEOUS AND UNFINISHED BUSINESS

NONE

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 November 19th, 2012.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL