

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

Monday, November 1, 2010

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, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith.

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

Council Member Fahey led the Pledge of Allegiance.

PUBLIC HEARING

Clerk to the Common Council John Marsolais read the notice of the public hearing on the 2011 Proposed Budget of the City of Albany, NY. The following individuals spoke:

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206
2. Virginia Hammer, 52 S. Allen St., Albany, NY 12208
3. Vincent Riguso, 13 Beach Ave., Albany, NY 12203
4. Benzie Johnson, 195 Second Ave., Albany, NY 12202

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

PUBLIC COMMENT PERIOD

NONE

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

Finance, Taxation and Assessment – Council Member Sano stated that the committee finished the departmental budget discussions and will continue to take suggestions and recommendations with regard to Council action on the proposed 2011 City of Albany Budget.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on Cable Access – Council Member Rosenzweig stated that he will be accepting any concerns or suggestions with regard to the proposed PEG Access oversight committee.

CONSIDERATION OF ORDINANCES

Council Member Bailey introduced the following, which was held:

Ordinance Number 92.111.10

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO MANNY G. PEREIRA, AS OWNER OF 51 ½ 1ST STREET, OVER AND UPON A PORTION OF THE CITY RIGHT-OF-WAY OF 1ST STREET IN THE CITY OF ALBANY

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

Section 1. It is hereby authorized that the City of Albany grant a permanent easement to Manny G. Pereira, as owner of 51 ½ 1st Street, over and upon a portion of the City right-of-way of 1st Street, adjacent to 51 ½ 1st Street, in the City of Albany.

Section 2. The form, content, terms and conditions of such easement shall be approved by the Corporation Counsel.

Section 3. The Grantee shall not hinder, interfere with, prevent, delay, obstruct or adversely affect the Grantor in the reasonable exercise of its governmental operations or function.

Section 4. This ordinance shall take effect immediately.

Council Member Konev introduced the following, which was held:

Ordinance Number 93.111.10

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO RICHARD COBB, AS OWNER OF 168 QUAIL STREET, OVER AND UPON A PORTION OF THE CITY RIGHT-OF-WAY OF QUAIL STREET IN THE CITY OF ALBANY

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

Section 1. It is hereby authorized that the City of Albany grant a permanent easement to Richard Cobb, as owner of 168 Quail Street, over and upon a portion of the City right-of-way of Quail Street, adjacent to 168 Quail Street, in the City of Albany.

Section 2. The form, content, terms and conditions of such easement shall be approved by the Corporation Counsel.

Section 3. The Grantee shall not hinder, interfere with, prevent, delay, obstruct or adversely affect the Grantor in the reasonable exercise of its governmental operations or function.

Section 4. 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 Conti asked and received majority consent to add Resolution Number 110.111.10R to the pending agenda, which was approved by unanimous voice vote.

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

Resolution Number 110.111.10R(MC)

A RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ALBANY AND THE CAPITAL DISTRICT TRANSPORTATION AUTHORITY WITH RESPECT TO THE USE OF FIBER STRANDS ON THE ROUTE 5 CORRIDOR OF THE BUS RAPID TRANSIT PROJECT

WHEREAS, the Capital District Transportation Authority (hereinafter "CDTA") is in the process of implementing a Bus Rapid Transit (hereinafter "BRT") service along the Route 5 Corridor between the cities of Schenectady and Albany; and

WHERRAS, the City of Albany has jurisdiction over a fiber optic traffic signal system trunk cable along Route 5, Central Avenue, within the City of Albany; and

WHEREAS, the City of Albany has agreed to permit use of four mutually acceptable fiber strands to CDTA for an initial five (5) - year period, with automatic renewals effective on each subsequent five (5) - year anniversary date of the initial ratification.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, or his designee is hereby authorized to enter into a contract with the Capital District Transportation Authority permitting the use of fiber strands in the implementation of a Bus Rapid Transit service along Central Avenue, upon and pursuant to such further and/or additional items and conditions as in the opinion of the Corporation Counsel are necessary and/or required by law and/or in the best interests of the City.

Resolution Number 110.111.10R(MC) was Co-Sponsored by Council Members Freeman, Golby, Konev and O'Brien.

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, and Smith

Affirmative 14 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS

None

ADJOURNMENT

Council President Pro Tempore Conti moved for adjournment in memory of former Council Member Phil DiPace.

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

A true record of the Common Council Minutes of November 1st, 2010.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL