

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

Monday, November 19, 2007

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, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons.

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

Council President Ellis led the Pledge of Allegiance.

Council Member Conti made a motion to change the order of business to consider Resolution Number 72.111.07R and Resolution Number 74.112.07R, and to present Citations to the honorees, prior to the Public Comment Period, which was approved by unanimous voice vote.

Council Members Rosenzweig, Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Sano, Scalzo, Smith and Timmons asked for passage of RESOLUTION 72.111.07 (RESOLUTION OF THE COMMON COUNCIL CONGRATULATING THE ALBANY CITY SCHOOL DISTRICT BOYS VARSITY SOCCER TEAM ON THE ACHIEVEMENTS IN THE 2007 HIGH SCHOOL SEASON) which had previously been introduced, and a roll call vote thereon:

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

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

Affirmative 14 Negative 0 Abstain 0

**Note: There was discussion from Council Members Calsolaro, Sano, Fahey and Rosenzweig on the AHS Soccer Team working well together and congratulating the players and the coach.*

Council Members Timmons, Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, and Smith offered the following resolution containing non-binding City policy at the request of Mayor Jennings, asked for passage and a roll call vote thereon:

Resolution Number 74.112.07R

**RESOLUTION HONORING THE LIFE OF JASMINE PEARL JOHNSON AND
DEDICATING A PORTION OF SECOND STREET IN HER HONOR**

WHEREAS, Jasmine Pearl Johnson was born August 9, 1986 to loving parents Lesley Nelson and Neville Johnson; and

WHEREAS, she graduated from Albany High School in June, 2006 and lived all of her twenty years in the City of Albany, growing up on Second Street along with several siblings; and

WHEREAS, Jasmine was diagnosed with Leukemia at a young age; and

WHEREAS, her determination, strength of will and giving heart carried her and her family through an 18-year struggle while her battle with cancer was an inspiration to all those around her; and

WHEREAS, in 1999 and again in 2005, Jasmine received the "Triple C Award" given for outstanding character, courage and commitment to school and community, given by former Attorney General and current Governor Eliot Spitzer; and

WHEREAS, Jasmine left her mark on some wonderful organizations and support services, such as the Albany Ronald McDonald House, Camp Good Days and Special Times, American Red Cross, the bone marrow registry, WNYT-Channel 13, the Guilderland YMCA's Circle of Champs and the Children's Miracle Network Telethon.

WHEREAS, Jasmine Pearl Johnson passed from this life on January 1, 2007.

NOW, THEREFORE, BE IT RESOLVED, that in recognition of her short but full life, which was a gift to all she touched, that Second Street, from Ontario Street to North Manning shall bear the honorary name Jasmine Johnson Way.

BE IT FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed be transmitted to the family of Jasmine Pearl Johnson, with the condolences of the City of Albany.

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

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

Affirmative 14 Negative 0 Abstain 0

PUBLIC COMMENT PERIOD

- 1) Sister Natalie Rufola, 88 Fourth Avenue, Albany, NY (Neighborhood Violence)
- 2) Timothy Carney, 277 Delaware Avenue, Albany, NY (Board of Elections)
- 3) Jim Lyman, 63 Colvin Avenue, Albany, NY (Common Council President statements)
- 4) Leslie Fisher, 97 Union Avenue South, Delmar, NY (Costs of Violence)
- 5) Chris Ballerano, 143 Berkshire Boulevard, Albany, NY (South End Teen Center)
- 6) Jim Sande, 22 Magnolia Terrace, Albany, NY (Assault on Election Day)
- 7) Michelle Washington (United Front Youth Organization), 71 North Pine Avenue, Albany, NY (Communities Coming Together)
- 8) Yvette Blanch, 5 Bleeker Terrace, Albany, NY (Communities Coming Together)
- 9) Allison Banks, 21 Ashley Drive, Ballston Spa, NY (Gun Violence)
- 10) Helen Klaeyesen, 1817 Livingston Avenue, Albany, NY (Youth Programming)
- 11) John O'Grady, 817 Livingston Avenue, Albany, NY (Community Centers For Youth)

Council Member Conti made a motion to extent Public Comment Period, which was approved by unanimous voice consent.

- 12) Anna Barth, 197 Holmes Dale, Albany, NY (Albany High School/Youth Programs)
- 13) Chris Mesley, 63 Colvin Avenue, Albany, NY (Common Council President statements)
- 14) JP Sullivan, 737 New Scotland Avenue, Albany, NY (Support Council 82 APD)
- 15) Vincent Riguso, 13 Beach Avenue, Albany, NY (Various Issues)
- 16) Harris Oberlander, (Trinity Institute), (Services Offered by other Sources)
- 17) Daniel Williams White, ARISE, (Neighborhood Violence)
- 18) Richard Stevens, 49 Fleetwood Avenue, Albany, NY (Neighborhood Violence)
- 19) Reverend Joyce Hartwell, ARISE, (Neighborhood Violence)

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 all Local Laws on the pending agenda, which was approved by unanimous voice vote.

REPORTS OF STANDING COMMITTEES

NONE

CONSIDERATION OF ORDINANCES

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

Ordinance Number 75.112.07

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INSTANCES WHERE AN APPLICATION TO THE BOARD OF ZONING APPEALS MAY BE HELD DUE TO NONCOMPLIANCE WITH THE PROVISIONS OF ARTICLE XI (MAINTAINENCE OF VACANT BUILDINGS) OR ARTICLE XIA (VACANT BUILDING REGISTRY) OF CHAPTER 133 OF THE CODE OF THE CITY OF ALBANY

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:

§ 375-18. Hearing application procedure; instances of pending an application.

A. The applicant must submit a complete application to the Director to be granted a hearing by the Board. A complete application shall include the following:

- [A.] (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.
- [B.] (2) Other information or documentation, as required by this chapter or by the rules and regulations of the Board.
- [C.] (3) Payment of the applicable fee.
- [D.] (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 in instances where the applicant, or the owner of property 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. Except as herein amended, Chapter 375 (Zoning) of the Code of the City of Albany is hereby ratified, continued and approved.

Section 3. This ordinance shall take effect immediately.

Council Member Igoe introduced the following, which was referred to the Law, Buildings and Code Enforcement Committee:

Ordinance Number 76.112.07

AN ORDINANCE AMENDING CHAPTER 258 (PENALTIES) OF THE CODE OF THE CITY OF ALBANY IN REGARDS TO UNPAID FEES, FINES OR PENALTIES OWED TO THE CITY

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

Section 1. Chapter 258 of the Code of the City of Albany is hereby amended as follows:

§ 258-2. Enforcement.

- A. The penalties provided for the violation of any or all City laws and ordinances, and of all state laws, except where otherwise especially provided, shall be sued for in an action to be brought by the City of Albany in its corporate name, and the amount collected in each and every action shall be paid to the City Treasurer of the City of Albany for the use of the City.
- B. **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 the City may institute an action at law against such owner(s) to recover the cost thereof.

Section 2. Except as herein amended, Chapter 258 of the Code of the City of Albany is hereby ratified, continued and approved.

Section 3. This ordinance shall take effect immediately.

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

CONSIDERATION OF RESOLUTIONS

Common Council O'Brien offered the following, asked for passage and a roll call vote thereon:

Resolution Number 73.112.07R

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the City of Albany, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the People of the State of New York, herein called the State, and the Municipality be executed for such State Aid.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Albany, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

BE IT FURTHER RESOLVED, that the Commissioner of the Department of General Services, or his representative is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.

RESOLVED, that the Municipality or Municipalities set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.

RESOLVED, that this resolution shall take effect immediately.

Resolution Number 73.112.07R was Co-Sponsored by Council Members Fox, Sano, and Scalzo.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Conti offered the following, which was referred to the Council Operations and Ethic Committee:

RESOLUTION NUMBER 75.112.07R

RESOLUTION OF THE COMMON COUNCIL AMENDING SECTION 4.11 OF THE COMMON COUNCIL RULES OF PROCEDURE IN RELATION TO THE SPONSORSHIP OF LEGISLATION

RESOLVED, the opening paragraph of Section 4.11 of the Common Council Rules of Procedure is amended to read as follows:

No legislation shall be placed upon the Common Council agenda unless and until such legislation is sponsored by a member of the Council, provided however, that in the sole discretion of the President Pro Tempore, legislation may be introduced on behalf of a city department or office without the sponsorship of an individual member of the Council. In such cases, the Chair of the committee to which such legislation is referred shall be responsible for managing the legislation, but shall not be considered the sponsor. Members may sponsor legislation on their own initiative, may agree to sponsor legislation on behalf of others or may be assigned to sponsor legislation at the request of the President Pro-Tempore.

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

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

MISCELLANEOUS OR UNFINISHED BUSINESS

Council Member Conti made the following motion:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2008, AND WAIVE THE READING OF THE NAMES:

Lopez, Jr., Jose M., 41 N. Manning Blvd., Apt. 2, Albany, NY 12206

Council Member Ellis discussed not receiving information from FOIL requests. He also discussed youth having access to teen centers and looking at the types of people hired to run the centers.

Council Member Smith discussed the city not having adequate resources for youth programs and the lack of programs in the South End and Arbor Hill communities when there is \$1 million allocated for the Golf course. She also discussed transportation for youth from North Albany to programs being an issue.

Council Member Fahey discussed possibly looking at other municipalities for ideas and trying to get all levels of government together to find resources and additional funding for youth programs. She also discussed more transparency on how Community Development Block Grant (CDBG) funds are being spent.

Council Member Calsolaro discussed issues with FOIL requests and request for information from the Youth and Family Services Department and from the Golf course. He also discussed why children were turned away from a scheduled dance at the Arbor Hill Community Center that was cancelled at the last minute.

Council Member O'Brien discussed possibly including Albany County and the City school district in youth programming discussions.

Council Member Scalzo discussed possibly creating an Ad Hoc committee to address youth programming issues.

Council Member Timmons discussed the lack of space at the Arbor Hill Community Center and making sure the communities that need centers for youth get the money to fund them. He also discussed issues with building prisons and schools not doing enough for students.

Council Member Sano discussed utilizing athletic programs to attract youth.

Council Member Conti discussed how frustrating it is that there is not enough resources for funding programs. He also discussed the need for partnerships to explore all options.

Council Member Igoe discussed Council President Morris' response to Council 82 regarding her comments following the previous meeting.

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 November 19, 2007.

**CASHAWNA PARKER
LEGISLATIVE AIDE TO THE COMMON COUNCIL**