

# ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

**Monday, November 21, 2011**

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

Council Member Konev led the Pledge of Allegiance.

## **PUBLIC COMMENT PERIOD**

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Occupy Albany)
2. Andrew Hirsch, 39 Quail St., Albany, NY 12206 (Budget & Health Insurance)
3. Calvin Parker, 68 Ontario St., Albany, NY 12206 (SNUG Funding)
4. Jehnon Hood, Albany, NY (SNUG Funding)
5. Jordan Howard, 354 Orange St., Albany, NY 12206 (SNUG Funding)
6. Omar Ford, Albany, NY (SNUG Funding)
7. Willie White, "A Village", Albany, NY 12202 (SNUG Funding, Summer Youth employment & S. End Bus Route)
8. Beverly Padgett, 79 Third St., Albany, NY 12210 (SNUG Funding)
9. Vivian Kornegay, 212 Ontario St., Albany, NY 12206 (SNUG Funding)

Council Member Conti made a motion to extend public comment period for an additional 30 minutes, which was approved by unanimous voice vote.

10. Bill Bacci, 12 Oak Tree Circle, Queensbury, NY (Oppose Health Insurance Cuts)
11. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Budget, Crossing Guards & AFD)

There being no further speakers, the President declared Public Comment Period Closed.

## **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 had considered many amendments to the Proposed 2012 budget and would be presenting Amendments B, C and D. He thanked Council Members and City Personnel for participating at meetings. He stated that the Committee had in depth discussions on issues raised by council members. The committee was able to find some money for SNUG funding by increasing revenue projections from the sale of methane gas sales.

**Housing and Community Development** – Council Member Calsolaro stated the Committee would be meeting on November 29, 2011 to have a discussion on possible large cuts in CDBG funding.

**CONSIDERATION OF ORDINANCES**

Council Member Konev asked for passage of ORDINANCE NUMBER 57.102.11 (As Amended) (AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 445 MANNING BOULEVARD AND 524, 526 AND REAR 526 CENTRAL AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO CITYWIDE PROPERTY HOLDINGS, LLC, A WHOLLY OWNED SUBSIDIARY OF THE CAPITALIZE ALBANY CORPORATION), which had been previously introduced and amended.

*\*Note: Council Member Calsolaro spoke on this ordinance prior to passage.*

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

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

Negative – Calsolaro

Affirmative 14 Negative 1 Abstain 0

Council Member Sano moved for consideration of ORDINANCE NUMBER 55.102.11 (AN **ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON SEPTEMBER 30, 2011, WITH AMENDMENTS, FOR FISCAL YEAR 2012**) which had been previously introduced.

Council Members Commisso, Calsolaro and Konev moved to amend Ordinance Number 55.102.11, as follows, and asked for a roll call vote thereon:

**AMENDMENT A**

<b><u>REDUCTIONS TO CAPITAL BUDGET</u></b>	<b>Amount</b>
<b>Landfill Expansion (DGS)</b>	<b>\$ 1,050,000</b>
<b>Landfill Restoration (DGS)</b>	<b>\$ 202,500</b>
<b>Landfill Equipment (DGS)</b>	<b>\$ 81,000</b>
<b>Recycling Packers (3) (DGS)</b>	<b>\$ 54,000</b>
<b>Medium Duty Dump Truck (DGS)</b>	<b>\$ 19,500</b>
<b>Pick Up Trucks (3) (DGS)</b>	<b>\$ 9,000</b>
<b>One Ton Dump Truck (3) (DGS)</b>	<b>\$ 20,250</b>
<b>One Ton Flipper Truck (DGS)</b>	<b>\$ 12,000</b>
<b>One Ton Utility Truck (DGS)</b>	<b>\$ 6,750</b>

Zero Turn Mower (2) (DGS/Parks)	\$ 18,000
Replacement Vehicles (APD)	\$ 67,500
Special Use Vehicles (APD)	\$ 17,250
Mobile Data Terminals (AFD)	\$ 20,250
Hand Held Data Terminals (AFD)	\$ 3,000
Defibrillators (AFD)	\$ 36,000
Paramedic Vehicle (AFD)	\$ 9,750
One Ton Dump Truck (Recreation)	\$ 6,750
Utility Truck (Recreation)	\$ 6,750
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Subtotal Reductions to Capital Budget	\$ 1,640,250

<u>REDUCTIONS TO EXPENDITURES</u>	Account #	Amount
Fire Department Overtime	A3410.7199	\$ 1,068,712
Police Department Overtime (total \$1,558,245)		
Police-Sworn	A3120.7199	\$ 1,398,666
Police-Civilian	A3120.7199	\$ 61,320
Communications	A3120.7199	\$ 77,305
PSO/TSA	A3120.7199	\$ 20,954
Department of General Services Overtime (total \$415,740)		
Central Garage	A1640.7199	\$ 12,168
Maintenance of Streets	A5010.7199	\$ 60,840
Waste Collection & Recycling	A8160.7199	\$ 93,288
Waste Disposal	A8160.14.7199	\$ 44,616
Street Cleaning	A8170.7199	\$ 68,952
Central Maintenance	A1620.7199	\$ 40,560
Parks Maintenance	A1490.36.7199	\$ 77,064
Capital Hills at Albany	A1490.38.7199	\$ 8,112
Office of Special Events	A7560.7199	\$ 10,140
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Subtotal Reductions to Expenditures		\$ 3,042,697

<u>ADDITIONS TO REVENUES</u>	Account #	Amount
Methane Gas Sales	A0000.2155	\$ 200,000

<b>Subtotal Additions to Revenues</b>	----- <b>\$ 200,000</b>
<b><u>ADDITIONS TO EXPENDITURES</u></b>	<b>Amount</b>
<b>Restoration of SNUG funding</b>	<b>\$ 150,000</b>
<b>Increase Departmental Equipment and Operating Expenses for Items Removed from Capital Budget Borrowings</b>	<b>\$ 1,640,250</b>
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<b>Subtotal Additions to Expenditures</b>	<b>\$ 1,790,250</b>
<b>Net Budgetary Effect to be added to cash reserves</b>	<b>\$ 3,092,697</b>

*\*Note: Council Members Commisso, Rosenzweig, O'Brien, Conti, Golby, Calsolaro, Konev, Jenkins-Cox and Bailey spoke on this amendment prior to the roll call vote.*

**NOT Passed by the following vote of all the Council Members duly elected:**

Affirmative – Calsolaro, Commisso and Konev

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

Affirmative 3 Negative 12 Abstain 0

Council Member Sano moved to amend Ordinance Number 55.102.11, as follows, and asked for a roll call vote thereon:

**AMENDMENT B**

<b><u>REDUCTIONS TO EXPENDITURES</u></b>	<b>Account #</b>	<b>Amount</b>
<b>Increase Salary of School Crossing Officers to \$13 per hour and Require Time Sheets for Actual Hours Worked/Provide 3 Non-Accruable Sick Days</b>	<b>A3120.7130</b>	<b>\$ 50,000</b>
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<b>Subtotal Reductions to Expenditures</b>		<b>\$ 50,000</b>

*\*Note: Council Members Sano, Smith and Calsolaro spoke on this amendment prior to passage.*

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

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

Negative – Freeman and Smith

Affirmative 13 Negative 2 Abstain 0

Council Member Sano moved to amend Ordinance Number 55.102.11, as follows, and asked for a roll call vote thereon:

**AMENDMENT C**

<b><u>ADDITIONS TO EXPENDITURES</u></b>	<b>Account #</b>	<b>Amount</b>
<b>Restoration of SNUG funding</b>	<b>A1900.7440</b>	<b>\$ 150,000</b>
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<b>Subtotal Additions to Expenditures</b>		<b>\$ 150,000</b>

*\*Note: Council Members Sano, Conti, Calsolaro and Konev spoke on this amendment prior to passage.*

**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, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Sano moved to amend Ordinance Number 55.102.11, as follows, and asked for a roll call vote thereon:

**AMENDMENT D**

<b><u>REDUCTIONS TO EXPENDITURES</u></b>	<b>Account #</b>	<b>Amount</b>
<b>Fire Department Overtime</b>	<b>A3410.7199</b>	<b>\$ 300,000</b>
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<b>Subtotal Reductions to Expenditures</b>		<b>\$ 300,000</b>

<b><u>ADDITIONS TO EXPENDITURES</u></b>	<b>Account #</b>	<b>Amount</b>
<b>Add 5 Firefighter Grade 1 EMTs</b>	<b>A3410.7130</b>	<b>\$ 184,790</b>
<b>Increase Holiday Pay</b>	<b>A3410.7190</b>	<b>\$ 7,820</b>
<b>Increase EMT Stipend</b>	<b>A3410.7189</b>	<b>\$ 5,000</b>
<b>Increase Code Stipend</b>	<b>A3410.7191</b>	<b>\$ 7,000</b>
<b>Increase Clothing Allowance</b>	<b>A3410.7193</b>	<b>\$ 2,250</b>
<b>Changes to Social Security Line Items</b>	<b>A3410.7801</b>	<b>\$ 15,825</b>
<b>Changes to Retirement Line Items</b>	<b>A3410.7802</b>	<b>\$ 35,572</b>

<b>Changes to Health Insurance Line Items</b>	<b>A3410.7804</b>	<b>\$ 40,000</b>
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<b>Subtotal Additions to Expenditures</b>		<b>\$ 298,257</b>
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*\*Note: Council Members Sano, Calsolaro, Conti and Konev spoke on this amendment prior to passage.*

**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, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 55.102.11 (As Amended by Amendments B,C, and D) and for a roll call vote thereon.

**AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE  
MAYOR ON SEPTEMBER 30, 2011, WITH AMENDMENTS, FOR FISCAL YEAR  
2012.**

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

**Section 1.** The budget as presented by the Mayor on September 30, 2011, is hereby adopted as and for the Budget of the City of Albany for fiscal year 2012 with the following amendments.

<u><b>ADDITIONS TO EXPENDITURES</b></u>	<b>Account #</b>	<b>Amount</b>
Increase Senior Legislative Aide Salary by 3%	<b>A1010.7150</b>	<b>\$ 1,125</b>
Increase Research Counsel Salary by 3%	<b>A1010.7120</b>	<b>\$ 1,085</b>
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<b>Subtotal Additions to Expenditures</b>		<b>\$ 2,210</b>

<u><b>REDUCTIONS TO EXPENDITURES</b></u>	<b>Account #</b>	<b>Amount</b>
<b>Adjust Costs Associated with Health Insurance</b>		
<b>Benefits</b>	<b>A1010.7804</b>	<b>\$ 2,712</b>
<b>Adjust Costs Associated with Social Security</b>	<b>A1010.7801</b>	<b>\$ 511</b>
		-----
<b>Subtotal Reductions to Expenditures</b>		<b>\$ 3,223</b>

<u><b>ADDITIONS TO REVENUES</b></u>	<b>Account #</b>	<b>Amount</b>
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Methane Gas Sales

A0000.2155 \$ 200,000

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**Subtotal Additions to Revenues**

**\$ 200,000**

**Non-Monetary Changes to the Budget**

**Page 90 Personal Services Detail Department of Fire, Emergency & Building Services A.3410,  
Code 7130 – Change 2012 Proposed Budget Line to Reflect Firefighter Grade 1 EMT – 15 @ \$0.**

**Net Budgetary Effect to be added to Contingency Fund**

**\$ 96,310**

**Section 2.** It is hereby ordered and directed that the sums set forth therein as expenditures are hereby appropriated in the amounts and for the several departments, offices and purposes specified therein.

**Section 3.** It is further hereby ordered and directed that the sums set forth therein as revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City shall be and are hereby applicable in the amounts specified for the purpose of meeting said appropriations.

**Section 4.** This ordinance shall be effective immediately.

*\*Note: Council Members Calsolaro, O’Brien, Conti, Commisso, Konev, Golby, Sano and Council President McLaughlin spoke on this ordinance prior to passage.*

*Ordinance Number 55.102.11 (As Amended) was Co-Sponsored by Council Member Rosenzweig.*

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

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

Negative – Calsolaro, Commisso, and Freeman

Affirmative 12 Negative 3 Abstain 0

**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 90.112.11R and Resolution Number 91.112.11R to the pending agenda, which was approved by unanimous voice vote.**

Council Members Sano and Konev offered the following, asked for passage and a roll call vote thereon:

**Resolution Number 90.112.11R (MC)**

**RESOLUTION URGING SENATOR NEIL BRESLIN, ASSEMBLYMAN JOHN MCENENY AND ASSEMBLYMAN RONALD CANESTRARI TO INTRODUCE LEGISLATION IN THE NEW YORK STATE LEGISLATURE TO ALLOW RED LIGHT CAMERAS IN THE CITY OF ALBANY**

**WHEREAS**, red light cameras have been in use in New York City since 1993, when the State Legislature allowed 50 cameras to be put up at intersections throughout the city. The program was expanded in 2006 to 100 cameras; and

**WHEREAS**, in 2009, state authorizing legislation was adopted to expand the number of cameras in use in New York City and to allow their use in Yonkers, Buffalo and Rochester and in Suffolk and Nassau Counties on Long Island; and

**WHEREAS**, red light cameras reduce the number of violations and prevent accidents in the cities where they have been installed. The City of Albany would like to install these cameras on a pilot basis as has been done in other cities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby urges our State Legislative Representatives to introduce legislation in the New York State Legislature to authorize red light cameras in the City of Albany.

**BE IT FURTHER RESOLVED**, that the Common Council of the City of Albany requests that the Clerk of this Council forward copies of this resolution to Assembly Majority Leader Ronald Canestrari, Senator Neil Breslin, and Assemblyman John McEneny.

*Resolution Number 90.112.11R(MC) was co-sponsored by Council Members Conti, Fahey, Freeman, Golby and O'Brien.*

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

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

Negative – Calsolaro

Affirmative 14 Negative 1 Abstain 0

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

**Resolution Number 91.112.11(MC)**

**RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS, IN CONNECTION WITH ORDINANCE NUMBER 56.102.11 (25 DELAWARE AVENUE)**

**WHEREAS**, the Common Council of the City of Albany has received a long form Full Environmental Assessment Form (EAF), in conjunction with the proposed conveyance of 25 Delaware Avenue from the City of Albany to the Albany Community Development Agency; and

**WHEREAS**, said conveyance was proposed by Ordinance Number 56.102.11 at a public meeting of the Common Council held on November 7, 2011; and

**WHEREAS**, the action is preliminarily classified as a Type I action and is subject to the provisions of the State Environmental Quality Review Act (“SEQRA”), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

**WHEREAS**, the Common Council is the most involved agency in regards to conveying property owned by the City of Albany, and, as such, is the most appropriate Lead Agency to conduct a review of the application in accord with SEQRA regulation 617 NYCRR 617.6; and

**WHEREAS**, the Common Council determined to act as lead agency, circulated appropriate notice of its intent to all involved agencies and having waited 30 days from such notice, and no agency having objected, the Common Council has determined to declare itself to be SEQRA Lead Agency.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council determined to act as Lead Agency for the Project pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 (collectively, “SEQRA”), and coordinated review of the Project with all other involved agencies, including the New York State Office of Parks, Recreation and Historic Preservation and, having received no objections from any other agency, determined to act as SEQRA Lead Agency in connection with the Project.

**RESOLVED**, that this resolution shall take effect immediately.

**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, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Bailey asked for passage of RESOLUTION NUMBER 79.111.11R (RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CITY OF ALBANY IN ITS APPLICATION TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION FOR FUNDING UNDER THE GREEN INNOVATION GRANTS PROGRAM), which had been previously introduced.

*Resolution Number 79.111.11R was Co-Sponsored by Council Members Freeman, Konev and Smith.*

**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, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Council Members Commisso, Calsolaro, Freeman, Jenkins-Cox, Konev and Smith moved to amend and as amended, asked for passage and a roll call vote thereon:

**Resolution 67.92.11R (As Amended)**

**RESOLUTION ESTABLISHING EXPENDITURE OBJECTIVES FOR RETIREMENT HEALTH INSURANCE AND RECOMMENDING NEW ELIGIBILITY STANDARDS AND A COST SHARING PROGRAM FOR CITY OF ALBANY EMPLOYEES RETIRING AFTER DECEMBER 31, 2012**

**WHEREAS**, the City of Albany has continued to provide free healthcare coverage to nearly all retired City of Albany employees despite substantial increases in health insurance costs. In 2011, the City of Albany budgeted \$11,000,000 for these expenditures; and

**WHEREAS**, for nearly all retired City of Albany employees, the City of Albany continues to fully finance and account for health care coverage in a fundamentally different manner than pension obligations. While pension costs are accrued for during active employment, post-retirement health insurance costs are paid for on a cash basis as they are incurred. This funding mechanism necessitates that already overburdened taxpayers make ever-increasing payments on behalf of retired employees no longer providing public services on behalf of taxpayers; and

**WHEREAS**, pursuant to actuarial standards established by *The Governmental Accounting Standards Board – Statement 45*, if continuing to provide this benefit to retired City of Albany employees was considered a condition of employment then this would represent a \$251,934,900 unfunded liability to the City of Albany. Without enactment of this legislation, or similar legislation designed to achieve retiree healthcare savings, it may be entirely likely that future valuations of unfunded liabilities may be in excess of such figure; and

**WHEREAS**, the largest funding source of health insurance for retirees, the tax levy, has been affected by a change to NYS Law which limits growth of the property tax levy to not more than 2% annually. Unlike pension contributions, payments for the cost of health insurance by municipalities are not exempted from the effects of the annual 2% cap on tax levy growth; and

**WHEREAS**, most non-public safety employees, including but not limited to, carpenters, clerks, communication specialists, custodians, electricians, engineers, equipment operators, foremen, laborers, maintenance workers, masons, mechanics and sanitation workers employed by the City of Albany contribute 10% of the cost of single coverage and 25% of the cost of family coverage for health insurance during active employment and, though not collectively bargained for, continue to contribute at the same rate in retirement; and

**WHEREAS**, subject to collective bargaining and in contradistinction to all non-public safety employees, City of Albany Firefighters and Police Officers do not contribute to the cost of health insurance after 8 years of service in active employment, and while the cost of health insurance during retirement has not been the subject of collective bargaining with Firefighters or Police Officers, union members do not contribute during retirement; and

**WHEREAS**, in 2011, the cost of the Empire B/C Extended Coverage plan is \$9,531 for single coverage and \$22,172, for family coverage; and

**WHEREAS**, subject to collective bargaining, terminating the Empire B/C Extended Coverage plan the City of Albany offers to active employees and replacing it with a benefit rich alternative, the Empire Plan, offered through the New York State Health Insurance Program, would save the City of Albany over \$1,600,000 in 2012; and

**WHEREAS**, in its 2011 budget intent resolution the Common Council approved an intention to develop a contributory plan for retiree health insurance to be implemented in 2012.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council urges the Mayor to adopt a policy that effective January 1, 2013 employees retiring from the City of Albany workforce shall be required to contribute to the cost of their retiree health insurance plans at the following rates; for employees retiring after December 31, 2012, 10 percent for non-Medicare eligible single coverage, 25 percent for non-Medicare eligible family coverage and 10 percent for Medicare eligible single coverage; and

**BE IT FURTHER RESOLVED**, that eligibility, plan options and contribution rates for retiree healthcare be considered annually by the Mayor and the Common Council as a part of the City of Albany budget process.

*\*Note: Council Members Commisso and Conti spoke on this resolution prior to the roll call vote.*

**NOT Passed by the following vote of all the Council Members duly elected:**

Affirmative – Calsolaro, Commisso, Freeman, Jenkins-Cox, Konev and Smith

Negative – Bailey, Conti, Fahey, Golby, Herring, Igoe, O’Brien, Rosenzweig and Sano

Affirmative 6 Negative 9 Abstain 0

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

**RESOLUTION NUMBER 30.32.10R (As Amended)**

**RESOLUTION CREATING A “GET FIT ALBANY” AWARD IN THE CITY OF ALBANY**

**WHEREAS**, according to the Centers for Disease Control, obesity among children has nearly doubled in the last decade. Obesity affects one in five children, ages 6-17, in the United States. Alarmingly, over 1/3 of American children, that is more than 9 million children in the United States, are either obese or overweight, and studies show today's children are not getting healthy food and the necessary exercise and activity for effective weight management and good health; It has increased by 54% among 6 to 11 year olds and 18% of males and 25% of females 12-17 years old are obese; and

**WHEREAS**, Hispanic and African-American youth are more likely to be overweight than Caucasian youth, 56% and 41% respectively. There appears to be a trend of obesity in African-American girls. The National Health and Nutrition examination survey conducted from 1988-1994 revealed that obesity has increased 40% in Caucasian girls, while the increase has been 150% in African American girls; and

**WHEREAS**, overweight children are showing up in doctors' offices with adult health problems such as high cholesterol, high blood pressure and Type II diabetes. Some show early-warning signs of heart disease. Nationally, hospital costs related to childhood obesity have more than tripled in the past 20 years to \$127 million, according to the Centers for Disease Control and Prevention. Obesity related disease cost the US economy more than \$100 billion every year. Sixty percent of overweight five to ten year olds already have at least one risk factor for heart disease. The National Cholesterol Education Program recommends that health care providers consider screening all obese children over the age of two for elevated cholesterol levels. Habits that put adults at risk for CVD begin in the teens; and

**WHEREAS**, approximately 60% of all Americans age 18 and older report that they are physically inactive. It is estimated that approximately 35% of coronary heart disease mortality is due to physical inactivity. The significance of this relationship lies in the fact that coronary heart disease is the leading cause of death in the United States and in New York State; and

**WHEREAS**, factors contributing to childhood obesity are:

- Environmental and family influence: excessive caloric intake; poor food choices; availability of high fat high sugar snacks and fast foods; busy families with less time to prepare nutritious meals; decrease physical activity/increase in sedentary activities such as watching television and playing video games; eating while watching TV; increase in soft drink consumption; increase in size of portions served.
- Decrease in Physical Activity/ Increase in Sedentary Lifestyle: fewer children enrolled in physical education classes. According to Catherine Macpherson, M.S., R.D., Illinois is the only state that requires P.E. be taken as a class through the 12th grade. According to the YRBS, in 1991 42% of 9-12th graders had daily PE classes compared with 27% in 1997. People are generally less active today in their leisure time. An average teenager has spent 3 years viewing television by the end of high school. According to Baylor College of Medicine, overweight children reported eating 50% of their dinner meals while watching television compared to just 35% by children who are not overweight. The average child sees 20,000 commercials a year, and many of these commercials are for unhealthy foods; and

**WHEREAS**, obesity has become one of the most significant public health problems in the United States today. In fact, in January 2002, the U.S. Surgeon General declared childhood obesity a national epidemic; and

**WHEREAS**, Without effective intervention, childhood obesity will dramatically impact all children's futures, resulting in deep social, physical, and economic costs for an American society as a whole; Currently, childhood obesity is expected to result in the first generation of Americans whose life expectancy is shorter than that of their parents; and

**WHEREAS**, Overweight children are much more likely to develop severe health issues such as type 2 diabetes, a disease that, left untreated, leads to debilitating and life threatening complications such as cardiovascular disease, heart attack, high blood pressure, stroke, Alzheimer's disease, blindness, kidney failure, amputations, depression, and cancer, sleep apnea and asthma. It is predicted that 33% of US population can have irreversible type 2 diabetes. Additionally, being overweight often undermines children's social and emotional well-being by increasing the likelihood that they will be

stigmatized by their peers, thus lowering their self-esteem and interfering with their academic achievement and successful transition to adulthood; and

**WHEREAS**, children prefer unhealthy food instead of fruit and vegetable; every food to go such as cheeseburgers, fries, shakes, as well as the fat in pizza, Chinese food, Mexican food, Taco Bell, chips, “junk food” is a very high source of carbohydrate; building the habits necessary to tackle one of the most urgent health issues how to make healthy choices about the foods and how much to exercise, learning about and engaging in activities that promote healthy eating and greater physical activity are the most urgent targets for today life; and

**WHEREAS**, forty years ago, forty-eight percent of U.S. children biked or walked to school. Today, just twelve percent of children arrive at school by bike or on foot; students who bike to school are more physically fit than their peers, and they’re more mentally focused during the school day. During this period, U.S. childhood obesity tripled, while the number of children driven to school increased nearly 400 percent, also adding to debilitating morning and afternoon road congestion coast to coast. Twenty-five million U.S. children and adolescents, more than 33 percent, are now considered overweight or obese, or at risk of becoming so. Health care costs for childhood obesity are estimated at \$14 billion each year, and Americans spend \$150 billion a year treating obesity-related illnesses. Children who bike develop healthy routines to help them reach their full potential, and maintain those habits for life; and

**WHEREAS**, With television, computers, video games, cell phones, gadgets, appliances, and other electronic devices life today’s kids are leading a more sedentary lifestyle and gaining weight, which puts them at greater risk for health problems; children do not walked more, had less physical activity, do less home chores; and

**WHEREAS**, Regular physical activity provides significant benefits for the treatment of persons with chronic disease and disabilities; Research has shown that regular physical activity can prevent the development of cardiovascular disease, colon cancer, high blood pressure (U.S. Dept. of Health and Human Services, 1996), diabetes (Diabetes Prevention Program Research Group, 2002) and osteoporosis (U.S. Dept. of Health and Human Services, 2004); Regular physical activity also helps treat a variety of common illnesses, including arthritis (CDC, 1999), diabetes (American Diabetes Association, 2004) and cardiovascular disease (NIH, 2002), reducing the need for medications and improving overall quality of life; Physical inactivity and unhealthy eating are significant factors leading to overweight and obesity in children and adults; An estimated 365,000 deaths each year are attributed to these behaviors (Mokdad, 2005), and

**WHEREAS**, Regular physical activity during childhood and adolescence helps build and maintain healthy bones, muscles and joints; helps control weight, build lean muscle, and reduce fat; reduces feelings of depression and anxiety; promotes social well-being, as well as physical and mental health - which may help increase student’s capacity for learning. Children who are physically active have more stamina and energy. Physical inactivity has contributed to an unprecedented epidemic of childhood obesity in the United States. Children as young as 10 have shown signs of heart disease. Good eating habits and physical activity are the best ways to avoid heart disease. Physical activity does not refer only to organized sports. Physical activity is anything that gets your children moving! Opportunities and motivation to be physically active begin in the home. Children are more likely to be active if their parents and siblings are active and if their parents support the child’s participation in physical activities; and

**WHEREAS**, over one million young people in New York are considered obese, and many more are at risk of becoming obese as a result of poor eating and exercise habits; Studies link obesity

with increased health problems and health care costs that escalate with age; In 2003, adult obesity related costs were estimated at nearly \$6.1 billion in New York; Schools can play a key role in reversing the child obesity epidemic in New York; The New York State Department of Health estimates that one in four New Yorkers under the age of 18, or approximately 1.1 million young people, is obese; This childhood obesity crisis, in turn, is fueling a health care cost crisis, with an estimated annual \$242 million in medical costs attributed to these children, which is putting even greater strain on the New York State budget; Approximately one quarter of New York adults report no leisure time physical activity in the past month; and

**WHEREAS**, the Common Council would like to provide a way for residents of City of Albany to get moving and reduce their risks for these potentially serious health problems, to prevent and reverse the tide of childhood obesity; and

**WHEREAS**, failure to act decisively on this issue kills almost 3 million adults each year; nations must understand that taxing unhealthy food, regulating harmful marketing practices and standing up to the food industry are crucial to eliminating preventable children diseases, especially diabetes and obesity; nations must be engaged stakeholders from across the food industry for commitments to changing unhealthy foods, which includes trimming fat, salt and sugar content in products, and building markets in food deserts; and

**WHEREAS**, recently the United States President Barack Obama marked the start of National Childhood Obesity Awareness Month of October with a proclamation calling on all Americans to "take action by learning about and engaging in activities that promote healthy eating and greater physical activity by all our Nation's children."

**WHEREAS**, the United States First Lady Michelle Obama created *Let's Move Cities and Towns* program to help to combat obesity. The program includes a number of steps that a city must take in order to meet the goals.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council of the City of Albany hereby creates a yearly "Get Fit Albany" award to encourage residents of the City of Albany to exercise. The criteria and judging of the award shall be determined by majority vote of the Common Council; and

**BE IT FURTHER RESOLVED**, the City of Albany is hereby joining the United States' First Lady *Let's Move Cities and Towns* program and the "Get Fit Albany" Award is the first step.

*Resolution Number 30.32.10R (As amended) was Co-Sponsored by Council Members Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, O'Brien, Rosenzweig and Smith.*

**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, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of RESOLUTION NUMBER 84.111.11R  
(RESOLUTION OF THE COMMON COUNCIL APPROVING THE TRANSFER OF \$7,595,193 TO

VARIOUS ACCOUNTS IN ACCORDANCE WITH CITY CHARTER SECTION 603), which had been previously introduced.

**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, Sano and Smith

Affirmative 15 Negative 0 Abstain 0

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

### **ADJOURNMENT**

Council Member Conti made a motion to adjourn.

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

A true record of the Common Council Minutes of November 21<sup>st</sup>, 2011.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL