

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, December 19, 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, and Smith.

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

Council Member Herring led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Stephen Smith, 132 Bradford St. 2nd Fl., Albany, NY 12206 (Various Taxicab Issues)
2. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Various City Issues)
3. Susan Holland, Historic Albany Foundation, (Ordinance 56.102.11)
4. Martin Daly, 564 Myrtle Ave., Albany, NY 12208 (Resolution 99.122.11R)
5. Mike Guidice, 105 Grand St., Albany, NY 12202 (Resolution 33.122.11R & Ordinance 49.82.11 As Amended)
6. Doris Coles, 232 First St., Albany, NY 12206 (Taxes)
7. Shawn Brown, Pine Hills Resident (Youth Outreach Services)

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

Law, Buildings and Code Enforcement – Council Member Igoe stated that the Committee met December 7, 2011 at 5:30 p.m. to discuss Ordinance Number 49.82.11 relating to bonding requirement for vacant buildings and Ordinance Number 53.101.11 relating to habitual barking of dogs. He stated that both ordinances were referred out of Committee with a favorable recommendation.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on Pesticides– Council Member Golby stated that the Pesticide Management Board would be holding it's first meeting on December 21, 2011 in the Mayors Conference Room. She stated that the meeting will be open to the public and there will be public comment.

CONSIDERATION OF ORDINANCES

Council Members Calsolaro, Conti, Freeman, Golby, Igoe, Konev, and O'Brien moved to amend and as amended asked for passage and a roll call vote thereon:

Ordinance Number 49.82.11 (As Amended 12/19/11)

AN ORDINANCE AMENDING ARTICLE XIA (VACANT BUILDING REGISTRY) OF CHAPTER 133 (BUILDING CONSTRUCTION) IN RELATION TO THE POSTING OF A BOND FOR VACANT BUILDINGS AND OTHER ISSUES RELATED TO THE REGISTRY

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

Section 1. Section 133-78.1 of Chapter 133 of the Code of the City of Albany is hereby amended to read as follows:

ARTICLE XIA. Vacant Building Registry

§ 133-78.1. Legislative findings and purpose.

It is the finding of the Common Council that buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in residential and neighborhood commercial neighborhoods. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose of this article is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant properties. Buildings which become vacant due to foreclosure or that are vacant when foreclosed upon present additional problems. It is often more difficult to secure compliance with this Chapter when the property is owned by a bank or mortgage company located in another jurisdiction. As the number of vacant properties increases due to foreclosure, the maintenance of vacant buildings becomes even more critical.

Section 2. Section 133-78.3 of Chapter 133 of the Code of the City of Albany is hereby amended to read as follows:

§ 133-78.3. Vacant building registration.

A. The owner shall register with the Department of Fire, Emergency and Building Services not later than 30 days after any building in the City becomes a vacant building or not later than 30 days after being notified by the Department of Fire, Emergency and Building Services of the requirement to register. The Department may identify vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry.

B. The registration shall be submitted on forms provided by the Department of Fire, Emergency and Building Services and shall include the following information supplied by the owner:

(1) A description of the premises.

(2) The names, and addresses, copy of driver's license, social security number, and telephone numbers of the owner or owners.

(3) If the owner does not reside in Albany County or any adjoining county, the name, ~~and address,~~ copy of driver's license, social security number, and telephone number of any third party with whom the owner has entered into a contract or agreement for property management.

(4) The names and addresses of all known lienholders and all other parties with an ownership interest in the building.

(5) A telephone number where a responsible party can be reached at all times during business and nonbusiness hours.

(6) A vacant building plan as described in Subsection C.

(7) Provide a cash bond acceptable to the Enforcement Officer, in the sum of not less than ten thousand (\$10,000) dollars, to secure the continued maintenance of the property throughout its vacancy and reimburse the city for any expenses incurred in inspecting or securing such building when such building is not in compliance with this Article.

(8) Incomplete registration forms will not be accepted and if the lack of compliance results in non-registration of the building, the owner can be prosecuted under Section 133-80.

C. The owner shall submit a vacant building plan which must meet the approval of the Enforcement Officer. The plan, at a minimum, must contain information from one of the following three choices for the property:

(1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition and the proposed timeframe for any necessary permitting through the City.

(2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided in § 133-68, if applicable, along with the procedure that will be used to monitor and maintain the property in accordance with Article XI, and a statement of the reasons why the building will be left vacant.

(3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days, unless the Enforcement Officer grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. If no building permit has been applied for within the 365 days, the Enforcement Officer will send written notification to the owner of the lack of compliance with § 133-78.3(c). The owner will be required to file an extension with a revised rehabilitation plan and reasons for non-compliance. Failure to respond may result in prosecution as prescribed in § 133-80. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured in accordance with § 133-68, if applicable, during the rehabilitation.

D. The Enforcement Officer shall provide the owner with a written referral to the Department of Development and Planning for information outlining programs available which may be useful in developing the owner's rehabilitation plan.

E. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Enforcement Officer.

F. The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained and monitored as provided in Article XI of this chapter.

G. Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

H. The new owners shall register or re-register the vacant building with the Enforcement Officer within 30 days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Enforcement Officer.

I. Vacant building fees.

(1) The owner of a vacant building shall pay an annual fee as set forth in Subsection [I \(2\)](#) for the period the building remains a vacant building. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the City in monitoring and inspecting the vacant building site. Vacant building registration fees will not be accepted until an application is complete.

(2) The first-year annual fee shall be \$250 and shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in § [133-80](#). If a plan is extended beyond 365 days, subsequent annual fees shall be paid as follows:

(a) For the second year that the building remains vacant: \$500;

(b) For the third year that the building remains vacant: \$1,000;

(c) For the fourth year that the building remains vacant: \$1,500; and

(d) For the fifth, and each succeeding year, that the building remains vacant: \$2,000.

(3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. The fee shall be prorated, and a refund may be issued if the building is no longer deemed vacant under the provisions of this article within 180 days of its registry.

(4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date.

J. The Enforcement Officer shall include in the file any property-specific engineering reports, written statements from community organizations, other interested parties or citizens regarding the condition, history, problems, status or blighting influence of a vacant building.

Section 3. This ordinance shall take effect immediately.

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

Ordinance Number 49.82.11 was Co-sponsored by Council Members Bailey, Commisso, Fahey, Jenkins-Cox, 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, and Smith

Affirmative 14 Negative 0 Abstain 0

Council Member Conti asked for passage of ORDINANCE NUMBER 56.102.11 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 25 DELAWARE AVENUE IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE ALBANY COMMUNITY DEVELOPMENT AGENCY), which had been previously introduced.

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

Ordinance Number 56.102.11 was Co-Sponsored by Council Members Herring and Rosenzweig.

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

Council Member Konev asked for passage of ORDINANCE NUMBER 53.101.11 (AN ORDINANCE AMENDING ARTICLE I (DOGS RUNNING AT LARGE) OF CHAPTER 115 (ANIMALS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO HABITUAL BARKING), which had been previously introduced.

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

Ordinance Number 53.101.11 was Co-Sponsored by Council Members Conti, Fahey, Freeman, Golby, Jenkins-Cox 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, and Smith

Affirmative 14 Negative 0 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

Council Member Golby offered the following, which was held:

Resolution Number 98.122.11R

RESOLUTION OF THE COMMON COUNCIL CONGRATULATING THE WOMEN'S SOCCER TEAM OF THE COLLEGE OF SAINT ROSE ON WINNING THE 2011 NCAA DIVISION II NATIONAL CHAMPIONSHIP

WHEREAS, The College of Saint Rose Women's Soccer Team came from one goal down at half-time to defeat the number one ranked and two-time defending champion Grand Valley State Lakers in the Championship game in Pensacola, Florida on December 3, 2011 by a final score of 2 to 1, and

WHEREAS, the Golden Knights of Saint Rose won the College's first-ever national team championship in its athletic history, and

WHEREAS, the Golden Knights were making their fourth straight appearance in the NCAA Division II Final Four, having reached the semi-finals in each of the past three years, and

WHEREAS, during their historic, and unprecedented NCAA tournament run to the national championship, the Golden Knights beat both the number one and number two (California, PA) ranked teams in the country, and

WHEREAS, the Golden Knights won a school record 24 games this year, after setting the previous standard of 23 matches in both 2009 and 2010, finishing the 2011 season with an overall record of 24 wins, 1 loss and 1 tie, and

WHEREAS, the Golden Knights scored a school record 88 goals prior to the championship game in 2011, while only allowing 12 goals against, and

WHEREAS, head coach Laurie Darling Gutheil capped off her sixteenth year at the helm of the Golden Knights by bringing home the National Championship.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates President Mark Sullivan, Head Coach Laurie Darling Gutheil, Assistant Coaches Amanda Deck, Kailey Egbert, Jason Gutheil, Jim Lennox, Renae Ransdell, Lauren Steinberg, and Mark Van Leuven and The College of Saint Rose Women's Soccer Team on winning the 2011 NCAA Division II National Championship.

Council Members Smith, Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Herring, Golby, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, and Sano introduced the following, asked for passage and a roll call vote thereon:

Resolution Number 99.122.11R (As amended prior to introduction)

RESOLUTION SUPPORTING THE RE-ESTABLISHMENT OF THE LIVINGSTON AVENUE BRIDGE WALKWAY

WHEREAS, a vision of the City of Albany's *Albany 2030 Comprehensive Plan* is that Albany's neighborhoods and centers are connected to each other and to the rest of the region by an extensive, efficient, and safe network of complete streets, mass transit, bikeways, trails, and sidewalks, and

WHEREAS, downtown Albany is a vibrant mix of business, residential, educational, arts, cultural, and entertainment uses connected to the Hudson River, and

WHEREAS, a goal of the Albany 2030 Comprehensive Plan, and the Albany Bicycle Master Plan is to work with local, county and state jurisdictions, to enhance walking and bicycling opportunities, and

WHEREAS, studies have shown that multi-use trails are economically beneficial, and

WHEREAS, trails tap into growing tourism markets, support vibrant communities, promote healthy physical activity, reduce pollution, and help address global climate change; and

WHEREAS, as part of New York State's High Speed Rail Initiative, the Livingston Avenue Bridge will be reconstructed in 2018, and

WHEREAS, the Livingston Avenue Railroad Bridge has been identified as an "early-win" for a safe and accessible river crossing in dozens of regional, statewide, County and City plans and countless studies, and

WHEREAS, the Livingston Avenue Bridge could serve as a connection to a growing network of statewide multi-use trails, including the New York State Canalway Trail, the Albany County Rail Trail, and the proposed Rensselaer County Trail, and

WHEREAS, the State of New York and Albany County have shown, through various initiatives, support for Trails both in principle and financially, and

WHEREAS, interest in outdoor recreational opportunities, including walking, and bicycling, is on the rise among Albany City residents and visitors, and

WHEREAS, trails in the City of Albany enhance the quality of life for our citizens, increase tourist activity in the County and provide alternative transportation routes for non-motorized vehicles, and

WHEREAS, trail activities are enjoyed by people of all ages and abilities, and are an important part of the City of Albany's outdoor recreation resources, and

WHEREAS, it is very likely that there will only be one opportunity to ensure that the walkway is installed while design and construction are ongoing and the funding, political will, and public sentiment are aligned.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany urges the re-establishment of the Livingston Avenue Bridge walkway at such time that the bridge is replaced.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to appropriate federal, state and Capital Region elected officials and agencies who are involved in decision making about this issue.

**Note: Council Member Smith spoke on this resolution 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, and Smith

Affirmative 14 Negative 0 Abstain 0

Council Member Bailey offered the following, which was held:

Resolution Number 100.122.11R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU-OF TAX (PILOT) AGREEMENT WITH PATROON STREET APARTMENTS HOUSING DEVELOPMENT FUND CORP.

WHEREAS, the Patroon Street Apartments Housing Development Fund Corp. (the “HDFC”) is a corporation established pursuant to section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”), and is controlled by or under common control with the Albany Housing Authority (“AHA”); and

WHEREAS, the HDFC is organized as a “housing development fund company” as that term is defined in Section 572 of the PHFL; and

WHEREAS, the HDFC’s plan for the use of the property hereinafter described, consisting of the construction and redevelopment of twenty three (23) residential rental units for persons and families of low-income, constitutes a “housing project” as that term is defined in Section 572 of the PHFL (the “Project”) and will be located and situated at or near 11 Ten Broeck Street and 299/301, 304, 306, 308 341, 343, and 345 Clinton Avenue in the City and County of Albany, State of New York (the “Property”); and

WHEREAS, the HDFC is the owner and property manager of the Property; and

WHEREAS, pursuant to Section 577(1) of the PHFL, the local legislative body of a municipality may exempt a project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project for a period of up to forty (40) years;

NOW, THEREFORE BE IT RESOLVED, that the Property and the Project shall be exempt from real property taxes to the extent described in Section 577(1) of the PHFL for a period of forty (40) years, including city, county and school taxes, other than assessments for local approvals, and that the Mayor be and he is hereby authorized and empowered to execute and enter into a PILOT agreement with the Company and the HDFC in a form approved by the Corporation Counsel, together with such other and further forms, documents and agreements necessary to amend, renew, supplement or effectuate the same.

RESOLVED, that this resolution shall take effect immediately.

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Jenkins-Cox suggested that the Council give Ms. Coles the Albany Water Board contact information being that the board is a separate entity.

Council Member Conti invited everyone to a holiday gathering at O'Keefe's and wished everyone happy holidays.

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 December 19th, 2011.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL