

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, December 20, 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, Igoe, Jenkins-Cox, O'Brien, Rosenzweig, Sano and Smith.

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

Council Member O'Brien led the Pledge of Allegiance.

Council President McLaughlin delivered her end of the year address. (See the Attached)

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Budget/Council Process)
2. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Budget/Community Policing)
3. Sophie Berman, 44 Cuyler Ave., Albany, NY 12202 (Bath House #2)
4. John Cutro, P.O. Box 505, Niverville, NY 12130 (Bath House #2)
5. Julie Lundgren, 51 Winthrop Ave., Albany, NY 12203 (Bath House #2)
6. Dr. Sandra Austin, 9 Eileen St., Albany, NY 12203 (Bath House #2)
7. Mike Guidice, Grand St. Community Arts, 105 Grand St., Albany, NY 12202 (Bath House #2)
8. Lynne Jackson, 223 S. Swan St., Albany, NY 12202 (Bath House #2)
9. Caroline Corrigan, 117 Grand St., Albany, NY 12202 (Bath House #2)
10. Jacqui Williams, 8 Grandview Terr., Albany, NY 12202 (Bath House #2)

Council Member Calsolaro made a motion to extend Public Comment for an additional 30 minutes, which was approved by unanimous voice vote.

11. Richard Ring, 14 Garden St., Albany, NY 12209 (Bath House #2)
12. Arora, Albizo, Yabisi and Feuxa Sikelianos, 23 Wilbur St., Albany, NY 12202 (Bath House #2)
13. Russell Ziemba, 1813 Highland Ave., Troy, NY 12180 (Bath House #2)
14. Deirdre Kelly, 19 Myrtle Ave., Albany, NY 12202 (Bath House #2)
15. Doug Bullock, 77 Benson St., Albany, NY 12206 (Bath House #2)
16. Bessie E. Thompson, 3 Lincoln Sq., Albany, NY 12202 (Bath House #2)
17. Charles Manning, Pres., Unitarian Universalist Soc. Of Albany, 18 Salisbury Rd., Delmar, NY 12054 (Bath House #2)
18. Evelyn Sanles, Club Zoe @ Reigning Life Family Church, 33 Rensselaer St., Albany, NY 12202 (Bath House #2)
19. Benzie Johnson, 98 Grand St., Albany, NY 12202 (Bath House #2)
20. Dylan Boyce, 98 Grand St., Albany, NY 12202 (Bath House #2)
21. Ardra Wilson, 14 Mohawk St., Albany, NY 12204 (Bath House #2)

The maximum time being reached, the President declared this portion of Public Comment Period closed.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Council Member Conti made a motion to approve the minutes from the Special Meeting held on November 29, 2010, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

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

COMMUNICATIONS FROM THE MAYOR, DEPARTMENT HEADS AND OTHER CITY OFFICIALS

Council Clerk Marsolais read a veto message from the Mayor transmitting his disapproval of Council Amendments D (Bath House 2) and G (Department of General Services and Department of Recreation Overtime) to the 2011 City of Albany budget.

CONSIDERATION OF VETOES

Council Member Calsolaro moved for a roll call vote to override the Mayor’s veto of Amendment D in relation to Bath House #2, which failed.

**Note: Council Members Smith, Fahey, Golby, O’Brien, Calsolaro and Freeman spoke on this motion prior to the roll call vote.*

NOT Passed by the following vote of all the Council Members elected voting in favor thereof having failed to receive the necessary 10 votes (two-thirds majority) to override the Mayor’s objections:

Affirmative – Calsolaro, Conti, Fahey, Golby, O’Brien, Rosenzweig, Sano, and Smith

Negative – Bailey, Commisso, Freeman, Herring, Igoe, and Jenkins-Cox

Affirmative 8 Negative 6 Abstain 0

The override failed.

Council Member Conti made a motion to change the order of business for the consideration of Resolution Number 125.123.10R, which was approved by unanimous voice vote.

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

Resolution Number 125.123.10R

RESOLUTION HONORING THE LIFE OF ANDREW E. OLIVER JR.

WHEREAS, Andrew Oliver was born in Catskill, New York in 1938, and

WHEREAS, he moved to Albany and attended the Albany Public School system and graduated from Phillip Schuyler High School, and

WHEREAS, after high school he enlisted in the U.S. Air Force where he served as 2nd and 3rd class Airman from 1956 to 1960 and was stationed at Lackland Air Force Base in Texas and Keesler Air Force Base in Mississippi, and

WHEREAS, Andrew became the first black postal carrier in the City of Albany where he served for 35 years. He became known as “Mickey the Mailman,” in the community, and

WHEREAS, in later years he volunteered at Trinity Institute for the food pantry and as a grandparent hall monitor at Giffen Elementary School where he was known as “Grandpa Mickey.” Andrew also enjoyed drumming in a jazz band and ran in several marathons.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council honors and commemorates the life of Andrew Oliver Jr.

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, O’Brien, Rosenzweig, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

REPORTS OF STANDING COMMITTEES

Public Safety – Council Member Smith stated that the Committee met on December 7, 2010 to interview candidates for appointment to the Citizen Police review Board (CPRB). The Committee nominated two candidates, Ms. Lilian Mather Kelly and Mr. James Frezzell to fill the vacancies. The Committee has a tentative meeting set-up for January 12, 2010 to have a discussion with members of the CPRB.

Council Operations and Ethics – Council Member Conti stated the he will be reaching out to Committee Members to schedule a meeting in January 2011 to have a discussion the Census 2010 results and how it relates to redistricting.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on Cable Access – Council Member Rosenzweig stated that the ad hoc committee would be meeting on Wednesday, December 29, 2010 immediately following Council Caucus to discuss the legislation giving the PEG Access Oversight Committee its charge and duties.

Ad Hoc Committee on the Pesticide Ordinance - Council Member Golby stated that she has requested an extension to continue discussions on the pesticide ordinance. She stated that she would like to schedule a meeting in January 2011 and that the ad hoc committee has received its first response from Suffolk County regarding questions sent to various municipalities on their pesticide ordinances. The response is on file with the Legislative Aide if Members would like a copy.

CONSIDERATION OF ORDINANCES

Council Member Igoe asked for passage of ORDINANCE NUMBER 96.121.10 (AN ORDINANCE AMENDING ARTICLES VI (DOG LICENSES) AND VIA (DOG IMPOUNDMENT AND REDEMPTION) OF CHAPTER 115 (ANIMALS) IN RELATION TO FEES), 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, O’Brien, Rosenzweig, Sano, 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 Members Sano and Igoe introduced the following at the request of the Mayor, asked for passage and a roll call vote thereon:

Resolution Number 122.123.10R

RESOLUTION APPROVING EXECUTION OF INTER-MUNICIPAL COOPERATIVE PURCHASING AGREEMENT FOR FIRE FIGHTING EQUIPMENT

WHEREAS, the Fire Chief of the City of Albany has solicited neighboring municipalities to participate in an inter-municipal cooperative purchasing agreement for the bulk purchase of fire equipment and related items; and

WHEREAS, an agreement of this type is authorized by General Municipal Law §119-o and will result in cost savings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is authorized to enter into inter-municipal agreements for cooperative fire department purchases.

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, O’Brien, Rosenzweig, Sano, and Smith

Affirmative 14 Negative 0 Abstain 0

Council Member Conti introduced the following, which was held:

Resolution Number 123.123.10R

RESOLUTION OF THE ALBANY COMON COUNCIL CALLING FOR STATE MANDATE RELIEF AS PART OF ANY LEGISLATION TO CAP THE GROWTH OF LOCAL PROPERTY TAXES

WHEREAS, the level of property taxation throughout New York and within the City of Albany has reached dangerously high levels; and

WHEREAS, New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS, two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS, in the case of pension costs, bills from the New York State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS, state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS, as a solution to New York’s property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS, a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS, a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Albany that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Neil Breslin, Assembly Members Jack McEneny and Ron Canestrari, and the New York State Conference of Mayors.

Council Member Commisso introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

Resolution Number 124.123.10R

RESOLUTION REQUIRING A 10% CONTRIBUTION FOR INDIVIDUAL COVERAGE AND A 25% CONTRIBUTION FOR FAMILY COVERAGE FOR ALL EMPLOYEES RETIRING AFTER DECEMBER 31, 2011

WHEREAS, the City of Albany has continued to provide free health care coverage for all retired employees despite the changes in health insurance costs. This benefit currently costs the City of Albany close to \$10,000,000 annually; and

WHEREAS, health insurance coverage for retired employees was a benefit that was provided at a time when public service salaries were low and health insurance costs were minimal. This benefit has not been reviewed despite changes in public employee salaries and the skyrocketing costs of health insurance; and

WHEREAS, free health insurance is a benefit that taxpayers can no longer afford to provide. Municipalities across the nation now require contributions from retirees or have eliminated the benefit entirely. There has been no assistance from the state government or federal government to find ways to reduce these massive increases in health insurance costs.

NOW, THEREFORE, BE IT RESOLVED, that effective January 1, 2012 employees retiring from the City of Albany workforce will be required to contribute the cost of 10% of individual health insurance coverage and 25% of family health insurance coverage for policies provided by the City of Albany. This resolution does not guarantee future coverage or existing health insurance options.

Council Member Herring introduced Resolution Numbers 126.123.10R, 127.123.10R, 128.123.10R, and 129.123.10R, which were referred to the Planning, Economic Development and Land Use Committee:

Resolution Number 126.123.10R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ROBERT ARNOLD AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, and Section 42-85 of Chapter 42 of the Code of the City of Albany, re-appointed Robert Arnold as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Robert Arnold be confirmed as a member of the Historic Resources Commission for a term ending December 31st, 2012.

Resolution Number 127.123.10R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF AUSEKLIS KRUMINS AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, and Section 42-85 of Chapter 42 of the Code of the City of Albany, re-appointed Auseklis Krumins as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Auseklis Krumins be confirmed as a member of the Historic Resources Commission for a term ending December 31st, 2013.

Resolution Number 128.123.10R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JOHN MYERS AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, and Section 42-85 of Chapter 42 of the Code of the City of Albany, re-appointed John Myers as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that John Myers be confirmed as a member of the Historic Resources Commission for a term ending December 31st, 2013.

Resolution Number 129.123.10R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF SEAN M. RAFFERTY AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, and Section 42-85 of Chapter 42 of the Code of the City of Albany, re-appointed Sean M. Rafferty as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Sean M. Rafferty be confirmed as a member of the Historic Resources Commission for a term ending December 31st, 2013.

Council Member Conti asked and received majority consent to add Resolution Number 130.123.10R and Resolution Number 131.123.10R to the pending agenda, which was approved by unanimous voice vote.

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

Resolution Number 130.123.10R(MC)

RESOLUTION OF THE COMMON COUNCIL APPOINTING LILIAN MATHER KELLY AS A MEMBER OF THE CITIZENS' POLICE REVIEW BOARD

NOW, THEREFORE, BE IT RESOLVED, that Lilian Mather Kelly be and hereby is appointed as a member of the Citizens' Police Review Board for a three (3) year term, expiring October 26, 2013.

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

Resolution Number 130.123.10R(MC) was Co-Sponsored by Council Members Bailey, Conti, Freeman, Golby, Igoe, Jenkins-Cox, 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, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 14 Negative 0 Abstain 0

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

Resolution Number 131.123.10R(MC)

RESOLUTION OF THE COMMON COUNCIL APPOINTING JAMES R. FREZZELL AS A MEMBER OF THE CITIZENS' POLICE REVIEW BOARD

NOW, THEREFORE, BE IT RESOLVED, that James R. Frezzell be and hereby is appointed as a member of the Citizens' Police Review Board to fill an unexpired term of office expiring October 26, 2012.

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

Resolution Number 131.123.10R(MC) was Co-Sponsored by Council Members Bailey, Freeman, Golby, Igoe, Jenkins-Cox, 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, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 14 Negative 0 Abstain 0

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

PUBLIC COMMENT PERIOD cont.

22. Joe Cunniff, 10 Crowell St., Albany, NY 12208 (PEG Access Oversight Committee Legislation)

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Herring offered the following, which was approved by unanimous voice vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM JANUARY 1, 2011 THRU DECEMBER 31, 2012, AND WAIVE THE READING OF THE NAMES:

*****SEE ATTACHED LIST OF 30 NAMES *****

Miscellaneous.....ATTACHED

ADJOURNMENT

Council President Pro Tempore Conti moved for adjournment.

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

A true record of the Common Council Minutes of December 20th, 2010.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL