

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

Monday, April 2, 2012

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: Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig, Sano, and Smith.

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

Council Member Fahey led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Landfill bonding and gang violence);
2. Lynne Jackson, 223 S. Swan St., Albany, NY 12202 (Landfill bonding);
3. Tom Ellis, 43 N. Pine St., Albany, NY 12203 (Landfill bonding);
4. Jim Travers, 587A Blodge Hill Rd., Ravena, NY (Resource recovery);
5. Tim Truscott, 131 Jay St., Albany, NY 12210 (Landfill issues);
6. Daniel Morrissey, 98 Grand St., Albany, NY 12202 (Bonding);
7. Grace Nichols, 439 Elk St., Albany, NY 12206 (Pine Bush restoration).

President Pro-Tempore Conti made a motion to extend public comment for 10 additional minutes, which was approved by unanimous voice vote.

8. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Bonding);
9. John Wolcott, 344 Sheridan Ave., Albany, NY 12206 (Bonding);
10. Arlene Way, 17 Second St., Albany, NY 12210 (2030 Plan).

There being no further speakers, the President declared the public comment period closed.

CONSIDERATION OF LOCAL LAWS

The local laws on the agenda were held at the request of President Pro-Tempore Conti.

REPORTS OF STANDING COMMITTEES

Finance, Taxation and Assessment – Chairman Sano stated that the Committee met on March 28, 2012 to discuss Ordinance Numbers 11.21.12 and 12.21.12 relating to bonding for the landfill. The Committee tried to reach a compromise but both ordinances passed out of committee with a negative recommendation (2-3 vote).

Housing and Community Development – Chairman Calsolaro stated that the committee met on March 27, 2012 to have a discussion on the CDBG budget. There were two amendments made resulting in an increase in funding for the Arbor Hill Development Corporation and Centro Civico.

CONSIDERATION OF ORDINANCES

Council Member Sano introduced ORDINANCE NUMBER 20.41.12, which was referred to the Finance, Taxation and Assessment Committee:

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$90,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$90,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (REPLACEMENT VEHICLES)

The City of Albany, in Common Council convened, does hereby ordain and enact:
Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Passenger vehicle other than a school bus
Local Finance Law Section 11.00(a) Subparagraph 77
Period of Probable Usefulness: 3 years
Maximum Term of Obligations: 3 years
Maximum Estimated Cost: \$90,000.00
Maximum Amount of Bonds: \$90,000.00
Treasurer's Bond Authorization Numbers: T-12
Treasurer's Project Numbers: GH 71108220

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$90,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such leases or bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such leases or bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such leases or bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

Section 7. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the leases or bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial issuer of the leases or the purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such leases or bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York

State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

Section 12. This ordinance shall be dated April 2, 2012 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Council Member Sano introduced ORDINANCE NUMBER 21.41.12, which was referred to the Finance, Taxation and Assessment Committee:

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (RESURFACING OF RECREATION COURTS)

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Parks, playgrounds and recreational areas.

Local Finance Law Section 11.00(a) Subparagraph 19(c)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$200,000.00

Maximum Amount of Bonds: \$200,000.00

Treasurer's Bond Authorization Numbers: U-12

Treasurer's Project Numbers: GH 71108221

Section 2. The plan of financing such objects or purposes is the issuance of \$200,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively

become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

Section 7. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

Section 12. This ordinance shall be dated April 2, 2012 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Council Members Conti and Konev introduced ORDINANCE NUMBER 22.41.12, which was held:

AN ORDINANCE AMENDING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE HOURS OF OPERATION OF SIDEWALK CAFES WITHIN THE LARK STREET AREA BUSINESS IMPROVEMENT DISTRICT AND ORDINANCE 54.42.10 AS ADOPTED BY THE COMMON COUNCIL ON JULY 8, 2010 IN RELATION THERETO

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

Section 1. Subsection C of section 303-16 of the Code of the City of Albany is amended to read as follows:

C. Notwithstanding subsection A of this section, for the period ending [April 30, 2012] April 28, 2013, sidewalk cafes located within the boundaries of the Lark Street Area Business Improvement District, as established in accordance with Article II of Chapter 142 of this Code, shall close by 12:00 midnight on Friday and Saturday, provided that the additional hour authorized by this subsection shall be limited to those sidewalk cafes, or parts thereof, which are in compliance with the provisions of this chapter; for which an application submitted with a site plan has been approved by the City Clerk in accordance with this chapter; and whose location is consistent with such approved application.

Section 2. This ordinance shall take effect immediately and shall expire and be deemed repealed on April 28, 2013.

Council Member O'Brien introduced ORDINANCE NUMBER 23.41.12, which was held:

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO 19 WATERVLIET AVENUE OVER, UPON AND UNDER A PORTION OF THE CITY RIGHT-OF-WAY OF WATERVLIET AVENUE IN THE CITY OF ALBANY

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

Section 1. It is hereby authorized that the City of Albany grant a permanent easement to the owner of 19 Watervliet Avenue over, upon and under a portion of the City right-of-way of Watervliet Avenue, adjacent to 19 Watervliet Avenue (Tax Map #65.21-3-39), in the City of Albany.

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

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

Section 4. This ordinance shall take effect immediately.

Council Member Sano offered ORDINANCE NUMBER 1.21.12 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,400,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,400,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET RECONSTRUCTION)), which had been previously introduced, asked for passage and a roll call vote thereon.

**Note: Council Member Sano spoke on the ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Ordinance Number 1.21.12 was co-sponsored by Council Member Konev .

Council Member Sano offered ORDINANCE NUMBER 2.21.12 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$480,000.00 AND AUTHORIZING THE ISSUANCE OF \$480,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK RECONSTRUCTION)), which had been previously introduced, asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Ordinance Number 2.21.12 was co-sponsored by Council Member Konev .

Council Member Sano offered ORDINANCE NUMBER 3.21.12 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$205,000.00 AND AUTHORIZING THE ISSUANCE OF \$205,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ADA COMPLIANCE)), which had been previously introduced, asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Ordinance Number 3.21.12 was co-sponsored by Council Member Konev .

Council Member Sano offered ORDINANCE NUMBER 11.21.12, moved to amend and as amended, asked for passage and a roll call vote thereon:

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,350,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,350,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PINE BUSH RESTORATION)

The City of Albany, in Common Council convened, does hereby ordain and enact:
Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Refuse disposal areas.
Local Finance Law Section 11.00(a) Subparagraph 6-a
Period of Probable Usefulness: [20] 10 years
Maximum Term of Obligations: [20] 10 years
Maximum Estimated Cost: \$2,350,000.00
Maximum Amount of Bonds: \$2,350,000.00
Treasurer's Bond Authorization Numbers: L-11; K-12
Treasurer's Project Numbers: GH 81608112; GH 8160821

Section 2. The plan of financing such objects or purposes is the issuance of \$2,350,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

Section 7. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitutes a Type 1 action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder for which Common Council has previously adopted a Findings Statement.

Section 12. This ordinance shall be dated February 6, 2012 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**Note: Council Members Sano, Calsolaro, Konev, Smith, O'Brien, and Rosenzweig spoke on the ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Commisso, Conti, Fahey, Herring, Igoe, Konev, O'Brien, Rosenzweig, and Sano

Negative – Calsolaro, Golby, and Smith

Affirmative 10 Negative 3 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 12.21.12 , moved to amend and as amended, asked for passage and a roll call vote thereon:

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$7,000,000.00 AND AUTHORIZING THE ISSUANCE OF \$7,000,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CONSTRUCTION COSTS AND PROFESSIONAL FEES - LANDFILL)

The City of Albany, in Common Council convened, does hereby ordain and enact:
Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Refusal disposal areas.
Local Finance Law Section 11.00(a) Subparagraph 6-a
Period of Probable Usefulness: [20] 10 years
Maximum Term of Obligations: [20] 10 years
Maximum Estimated Cost: \$7,000,000.00
Maximum Amount of Bonds: \$7,000,000.00
Treasurer's Bond Authorization Numbers: L-12
Treasurer's Project Numbers: GH 81608212

Section 2. The plan of financing such objects or purposes is the issuance of \$7,000,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

Section 7. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

Section 12. This ordinance shall be dated February 6, 2012 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**Note: Council Members Commisso, Golby, O'Brien, Konev, Calsolaro, Sano, and President McLaughlin spoke on the ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

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

Negative – Calsolaro and Smith

Affirmative 11 Negative 2 Abstain 0

The remaining ordinances on the pending agenda were held at the request of President Pro-Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Herring offered RESOLUTION NUMBER 17.41.12R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONVERSATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS, IN CONNECTION WITH THE ALBANY 2030 COMPREHENSIVE PLAN

WHEREAS, the Albany 2030 Comprehensive Plan Board approved the proposed plan on December 13, 2011 recommended that the proposed plan be forwarded to the City of Albany Common Council for review and adoption; and

WHEREAS, the Common Council received a Full Environmental Assessment Form (EAF) and Generic Environmental Impact Statement (GEIS), in conjunction with the proposed adoption of the Albany 2030 Comprehensive Plan (“Comprehensive Plan”); and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on February 7, 2012 in connection with the proposed Comprehensive Plan; and

WHEREAS, the proposed Comprehensive Plan was the subject of a Public Hearing held by the Common Council on March 19, 2012, where public comment was received; and

WHEREAS, the action 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 Comprehensive Plan is determined to be a Type I action pursuant to SEQRA; and

WHEREAS, the record demonstrates that the Comprehensive Plan will not have a significant adverse environmental impact, and that a Negative Declaration of Environmental Significance should be issued.

NOW, THEREFORE, BE IT RESOLVED, that based upon the review and consideration of the Full Environmental Assessment Form, including the completed Parts I and II thereof, the Generic Environmental Impact Statement and public comments, the Common Council finds and declares the action to be Type I pursuant to the New York State Environmental Conservation Law, and its implementing regulations, and having duly considered the entire record before it, declares that the Albany 2030 Comprehensive Plan has no potentially significant adverse impacts upon the environment, as that term is defined in SEQRA, will not require the preparation of a full Environmental Impact Statement and therefore issues a Negative Determination of Environmental Significance.

BE IT FURTHER RESOLVED, that the City of Albany Common Council hereby adopts the Albany 2030 Comprehensive Plan.

RESOLVED, that this resolution shall take effect immediately.

**Note: Council Member Herring and President McLaughlin spoke on the resolution prior to passage.*

The resolution passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Resolution Number 17.41.12R was co-sponsored by Council Members Fahey, Golby, Igoe, Konev, O’Brien, Rosenzweig, Sano, and Smith.

Council Member Smith introduced RESOLUTION NUMBER 18.41.12R, which was held:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH THE D&H RAILROAD CORPORATION FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY ADJACENT TO 47 ERIE BOULEVARD

BE IT RESOLVED, that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with the D&H Railroad Corporation for the use and occupancy of a portion of the City right-of-way adjacent to 47 Erie Boulevard for the erection of a fence upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

Council Member Conti offered RESOLUTION NUMBER 19.41.12R, asked for passage and a roll call vote thereon:

RESOLUTION AUTHORIZING THE CITY OF ALBANY, IN COOPERATION WITH THE COUNTY OF ALBANY, TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF STATE 2011-2012 LOCAL GOVERNMENT EFFICIENCY PROGRAM FOR GRANT FUNDS TO SUPPORT A COUNTYWIDE SHARED HIGHWAY SERVICES STUDY

WHEREAS, the City of Albany, after due consideration, has determined that it is desirable and in the public interest to act as a Co-Applicant with the County of Albany Lead Applicant, and submit an application under the 2011-2012 Local Government Efficiency (LGE) Program to be titled the Albany County Countywide Shared Highway Services Study. The Study will evaluate the efficiencies and costs savings to be gained by the functional consolidation, and where appropriate, the sharing, of certain highway services between the County and its municipalities; and

WHEREAS, it is the intention of the City of Albany to enter into a memorandum of understanding (MOU) with Albany County prior to undertaking the study; and

WHEREAS, the maximum amount of funds being applied for from the LGE Program shall not exceed \$67,500. The project will require a 10% share of project costs equal to \$7,500 which Albany County has committed to contributing on behalf of all applicants.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, or his designee, is authorized and directed to submit an application for financial assistance under the LGE Program and is authorized to execute all other documents necessary for the implementation of this work, and is also authorized to execute all financial and/or administrative processes relating to the grant program.

The resolution passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Resolution Number 19.41.12R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith.

Council Member Calsolaro offered RESOLUTION NUMBER 20.41.12R, asked for passage and a roll call vote thereon:

RESOLUTION DESIGNATING THE MAYOR TO ACT AS OFFICIAL REPRESENTATIVE OF THE CITY OF ALBANY TO SUBMIT ANNUALLY TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THE “ANNUAL ACTION PLAN”, AND AMENDMENTS THERETO, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Congress of the United States established the Community Development Block Grant Program; and

WHEREAS, the Albany Community Development Agency has prepared the Annual Action Plan for the Community Development Block Grant Program Year 38 in accord with a public hearing held on March 20, 2012; and

WHEREAS, pursuant to Sec. 570.303 of the Code of Federal Regulations, a grantee of a Community Development Block Grant must certify that its governing body has duly adopted a resolution authorizing a person to act as its official representative to submit the Action Plan, amendments thereto, and all understandings and assurances thereto, and directing authorizing the persons identified as the official representative of the grantee to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby authorized the Mayor to act as the City of Albany's official representative for the purpose of submitting the said Action Plan and all necessary understandings, assurances and amendments thereto.

BE IT FURTHER RESOLVED, that the Common Council hereby adopts the Action Plan for the Community Development Block Grant Program Year 38 as prepared by the Albany Community Development Agency, together with and including all understandings and assurances required thereby.

**Note: Council Members Calsolaro and Konev spoke on the resolution prior to passage.*

The resolution passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Resolution Number 20.41.12R was co-sponsored by Council Members Golby and Konev.

Council Member Conti offered RESOLUTION NUMBER 21.41.12R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL APPOINTING DANIEL HERRING A MARRIAGE OFFICER PURSUANT TO ARTICLE 3 OF THE DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK

WHEREAS, Article 3 of the Domestic Relations Law authorizes the governing body of a City to appoint marriage officers who shall have the authority to solemnize a marriage in accordance with other applicable provisions of law and within the municipal boundaries of the City.

NOW, THEREFORE, BE IT RESOLVED, that Daniel Herring is hereby appointed a marriage officer in the City of Albany for a term of one (1) day; to wit: June 3, 2012.

RESOLVED, that this resolution shall be effective immediately.

The resolution passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Council Member Konev offered RESOLUTION NUMBER 22.41.12R at the request of Council President McLaughlin, asked for passage and a roll call vote thereon:

RESOLUTION CONGRATULATING UJIMA JOURNEY ON THEIR FOURTH ANNUAL REUNION AND AWARDS CEREMONY ON APRIL 7, 2012

WHEREAS, Ujima Journey is a collaboration of people from the Capital District and primarily people from the African diaspora who come together to make their community a better place to live. They connect the youth of the community with their past by showing them how they fit into American history and where that history has led them; and

WHEREAS, Ujima is named for the Kwanzaa principle of collective work and responsibility, and it is in that spirit we involve the community. Ujima is the third of the seven principals behind the annual seven-day holiday celebrating African-American culture. The idea challenges all of us to build and maintain our community together, to make our brothers’ and sisters’ problems our problems and solve them together; and

WHEREAS, Ujima Journey helps local youth explore African-American heritage by traveling to important historical and cultural sites, landmarks and institutions with other students and families from the area; and

WHEREAS, in the spirit of Ujima, several outstanding local leaders are being honored as part of the Fourth Annual Reunion and Awards Ceremony. S. Neal Currie, Valerie Lewis, Maranda Mallory, Brenda A. Rowlett-Parson, the Reverend Sherita Traywick, and John James Wilson will receive the 2012 Kazi Award and Dr. Alice Green will receive the Rafiki Award. All of these individuals have done exceptional work in making our community a better place to live, work and raise a family. Our annual reunion and awards ceremony allows participants and supporters to share their experiences, celebrate the achievements of our award winners and facilitate the next journey.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates Ujima Journey on their Fourth Annual Reunion and Awards Ceremony and thanks each of the award winners for their contributions to our community.

The resolution passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Resolution Number 22.41.12R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, O’Brien, Rosenzweig, Sano and Smith.

The remaining resolutions on the agenda were held at the request of President Pro-Tempore Conti.

MISCELLANEOUS OR UNFINISHED BUSINESS

Majority Leader Herring offered the following:

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, 2012, AND WAIVE THE READING OF THE NAMES:

- | | |
|-------------------------|-------------------------|
| 1. Anton A. Konev | 16. Chris Smith |
| 2. Michael J. Kenneally | 17. Lee Eck |
| 3. Orin Harcourt | 18. Mark Gerling |
| 4. Kevin Fox | 19. Devin Lander |
| 5. Adam Rahman | 20. Steven Redler |
| 6. Lauren Bailey | 21. Susan Dubois |
| 7. Colleen Kutney | 22. Kaseem Moultrie |
| 8. Cassie Travenier | 23. William Ritchie |
| 9. Charlotte Allen | 24. Jacqueline Vanacore |
| 10. Christine Coppola | 25. Kathleen Scales |
| 11. Joe Messmer | 26. Judd Krasher |
| 12. Jessica DeMarco | 27. Dan Curtis |
| 13. Elizabeth Weiner | 28. Laura Castelli |
| 14. Colleen Williams | 29. Emily Schultz |
| 15. Jared Burns | |

Council Member Konev made a point of order to remove names #3-11 and #19 for the purposes of verifying the addresses listed on the corresponding Commissioners of Deeds application. Council President approved the point of order.

Majority Leader 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 ENDING DECEMBER 31, 2012, AND WAIVE THE READING OF THE NAMES:

- | | |
|-------------------------|-------------------------|
| 1. Anton A. Konev | 11. Steven Redler |
| 2. Michael J. Kenneally | 12. Susan Dubois |
| 3. Jessica DeMarco | 13. Kaseem Moultrie |
| 4. Elizabeth Weiner | 14. William Ritchie |
| 5. Colleen Williams | 15. Jacqueline Vanacore |
| 6. Jared Burns | 16. Kathleen Scales |
| 7. Chris Smith | 17. Judd Krasher |
| 8. Lee Eck | 18. Dan Curtis |
| 9. Mark Gerling | 19. Emily Schultz |
| 10. Devin Lander | |

ADJOURNMENT

President Pro-Tempore Conti made a motion to adjourn. Council President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council dated April 2, 2012.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL