

LOCAL LAWS INTRODUCED

LOCAL LAW H - 2010

A LOCAL LAW AMENDING ARTICLE 2 (ELECTIVE OFFICERS) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR TERM LIMITS FOR THE COMMON COUNCIL OF THE CITY OF ALBANY

LOCAL LAW I - 2010

A LOCAL LAW AMENDING ARTICLE 2 (ELECTIVE OFFICERS) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR TERM LIMITS FOR CITY-WIDE ELECTED OFFICERS OF THE CITY OF ALBANY

ORDINANCES INTRODUCED

46.41.10

AN ORDINANCE AMENDING CHAPTER 54 (FINANCIAL DISCLOSURE) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW PART II REGARDING ANTI-NEPOTISM IN THE CITY OF ALBANY

47.41.10

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,350,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,350,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PROFESSIONAL AND ENGINEERING FEES)

48.41.10

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MULTIFAMILY DWELLINGS AND REGISTERED SEX OFFENDERS

49.41.10

AN ORDINANCE AMENDING CHAPTER 255 (PEACE AND GOOD ORDER) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE X ENTITLED "ABANDONED SHOPPING CARTS"

50.41.10

AN ORDINANCE AMENDING SECTION 197-16 (PERMIT REQUIRED) OF CHAPTER 197 (FIRE PREVENTION) OF THE CODE OF THE CITY OF ALBANY TO PROHIBIT FIREWORKS WITHIN 2,500 FEET OF ANY

RESOLUTIONS INTRODUCED

- 35.41.10R RESOLUTION OF THE COMMON COUNCIL APPOINTING DANIEL T. LENNON A MARRIAGE OFFICER PURSUANT TO ARTICLE 3 OF THE DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK**
- 36.41.10R RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID CHARGES OF THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES, DEPARTMENT OF BUILDING AND CODES AND THE DEPARTMENT OF GENERAL SERVICES**
- 37.41.10R RESOLUTION OF THE COMMON COUNCIL AMENDING THE RULES OF PROCEDURE IN RELATION TO NEWSLETTERS**
- 38.41.10R RESOLUTION OF THE COMMON COUNCIL OPPOSING GOVERNOR PATTERSON'S PROPOSAL TO ALLOW THE SALE OF WINE IN GROCERY, CONVENIENCE OR DRUG STORES**
- 39.41.10R RESOLUTION URGING THE U.S. DEPARTMENT OF JUSTICE TO REVIEW THE CONVICTIONS OF MUSLIMS WHO WERE "PREEMPTIVELY PROSECUTED" TO ENSURE THEIR FAIR TREATMENT UNDER THE U.S. CONSTITUTION AND BILL OF RIGHTS**
- 40.41.10R RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO REMOVE THE SCHUYLER MANSION FROM THE LIST OF STATE HISTORIC SITES TO BE CLOSED**

Council Member Konev introduced the following:

LOCAL LAW H - 2010

A LOCAL LAW AMENDING ARTICLE 2 (ELECTIVE OFFICERS) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR TERM LIMITS FOR THE COMMON COUNCIL OF THE CITY OF ALBANY

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Section 202 of Article 2 of the Charter of the City of Albany is hereby amended to read as follows:

SECTION 202. Continuous Terms; Term Limits.

(a) Except where otherwise stated in this Charter, the regular election of the Mayor, Comptroller, Treasurer, President of the Common Council and each "Council member" shall be held every four years; existing terms shall continue uninterrupted by this Charter.

(b) Common Council members shall not serve more than three (3) full consecutive terms of office.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State and shall apply to any Common Council member elected to take office after January 1, 2014.

Council Member Konev introduced the following:

LOCAL LAW I - 2010

A LOCAL LAW AMENDING ARTICLE 2 (ELECTIVE OFFICERS) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR TERM LIMITS FOR CITY-WIDE ELECTED OFFICERS OF THE CITY OF ALBANY

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Section 202 of Article 2 of the Charter of the City of Albany is hereby amended to read as follows:

SECTION 202. Continuous Terms; Term Limits.

(a) Except where otherwise stated in this Charter, the regular election of the Mayor, Comptroller, Treasurer, President of the Common Council and each "Council member" shall be held every four years; existing terms shall continue uninterrupted by this Charter.

(b) The Mayor, Treasurer, Auditor and President of the Common Council shall not serve more than two (2) consecutive full terms.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State and shall apply to any officer elected to take office after January 1, 2014.

Council Member Konev introduced the following:

Ordinance Number 46.41.10

AN ORDINANCE AMENDING CHAPTER 54 (FINANCIAL DISCLOSURE) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW PART II REGARDING ANTI-NEPOTISM IN THE CITY OF ALBANY

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

Section 1. Chapter 54 of the Code of the City of Albany is hereby entitled “ETHICS” and the remainder is amended to read as follows:

**Part I
Financial Disclosure**

Section 54-1. Financial Disclosure.

This Part [chapter] shall be known as the "City of Albany Financial Disclosure Ordinance."

Section 2. Chapter 54 of the Code of the City of Albany is hereby amended by adding the following Part to read as follows:

**Part II
Prohibition on Favoritism in City Employment.**

Section 54-16. Definitions.

The following definitions apply to this Part:

“City officers” – Includes all officers and employees, including all individuals who are employees of the Common Council, Mayor’s Office, as well as all employees of City agencies and departments.

“Family Relationship” - includes relationship by blood, adoption, marriage, domestic partnership, foster care and cohabitation, and includes parents, grandparents, great-grandparents, grandchildren, great-grandchildren, children, foster children, uncles, aunts, nephews, nieces, first cousins, second cousins, siblings and the spouses or domestic partners of each of these relatives and cohabitants. This definition includes any relationship that exists by virtue of marriage or domestic partnership, such as in-law and step relationships, which are covered to the same extent as blood relationships.

“Cohabitant Relationship” - means any relationship where an individual shares a residence with a City official, manager or employee.

“Terms and conditions of employment” - includes but is not limited to setting and changing all

forms of compensation or remuneration, benefits, payments, hours, shifts, transfers, assignments, working conditions, performance evaluations, promotions, training, retirement, classification, retention, evaluation, demotion, discipline and all other job-related opportunities and privileges.

“Supervision ‘ - means authority, direction, control or influence, including being in the same chain of command and participation in decisions about employment terms and conditions, such as those about hiring, promotion, terms and conditions, or job-related qualifications.

Section 54-17. Purpose.

The purpose of this anti-favoritism ordinance is to eliminate actual or perceived conflicts of interest, partiality or favoritism in the City workplace and to maintain public confidence in the fairness of the City's hiring and employment practices as well as in the competence of City employees. This Ordinance achieves its goals in two ways: (1) by requiring disclosure of existing relationships and (2) by requiring newly hired City employees to disclose all relationships, including cohabitant relationships with existing City officials, managers and employees.

Section 54-18. Disclosure of Relationships.

A. All individuals who apply for employment with the City of Albany must disclose all known family relationships and cohabitant relationships with existing City employees, managers and City officials. Information concerning cohabitant relationships will be treated as confidential and disclosed only on a need-to-know basis. All individuals who apply for employment with the City of Albany must also disclose all campaign work done by the candidate for employment for any candidate for public office in the City of Albany for the previous year.

B. All current City officials, managers and employees must disclose all known family relationships and cohabitant relationships with existing City employees, managers and public officials no later than sixty (60) days from the effective date of this ordinance and thereafter, on an annual basis. Should new family relationships or cohabitant relationships arise, they must be disclosed within sixty (60) days of their inception. Information concerning cohabitant relationships will be treated as confidential. All current City officials, managers and employees must disclose all campaign work done for any candidate for public office in the City of Albany for the previous year.

Section 54-19. Supervision.

A. City officials, managers and employees may not supervise City employees with whom they have a known family relationship or cohabitant relationship. Information concerning cohabitant relationships will be treated as confidential.

B. Following receipt of information establishing that a family relationship or cohabitant relationship exists, in consultation with the Corporation Counsel, alternate arrangements will be made so that no City official, manager, or employee performs supervision for and/or influences in any manner the terms and conditions of employment of any individual with whom that individual has a family relationship or cohabitant relationship.

Section 54-20. Failure to report.

Any individual who fails to disclose her or his known family relationship or cohabitant relationship with City officials, managers or employees, shall be ineligible for hiring or continued employment by the City.

Section 54-21. Prohibition on participation or use of influence in hiring and in setting or changing terms and conditions of employment.

No official, manager or employee may attempt to influence the City or any official, manager or employee, to hire, promote, or change the terms and conditions of employment of any individual with whom that person has a family relationship or cohabitant relationship. No official, manager or employee may delegate such authority to a subordinate to participate in such personnel decisions.

Section 54-22. Enforcement.

A. The Director of Personnel shall be responsible for collection of information concerning family relationships and cohabitation relationships. Such information shall also be provided to the Corporation Counsel. Such information will be preserved for a minimum of five years.

B. The Director of Personnel shall be responsible for identifying and implementing alternate arrangements, after mandatory consultation with the Corporation Counsel, should an official, manager or employee provide supervision to, directly or indirectly, an individual with whom she or he has a family relationship or cohabitation relationship. In the event that a relationship may exist between the Director of Personnel and any other City official, manager or employee, the Corporation Counsel shall make such alternate arrangements.

C. Any City employee who becomes aware that an official, manager or employee has attempted to influence the City, its officials, managers or employees, to hire, promote, or change the terms and conditions of employment of any individual with whom that person has a family relationship or cohabitant relationship, shall report that attempt to the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.

**Approved as to form
March 19, 2010**

Corporation Counsel

Council Member Sano introduced the following:

Ordinance Number 47.41.10

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,350,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,350,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PROFESSIONAL AND ENGINEERING FEES)

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: 10 years

Maximum Term of Obligations: 10 years

Maximum Estimated Cost: \$1,350,000.00

Maximum Amount of Bonds: \$1,350,000.00

Treasurer's Bond Authorization Numbers: M-10

Treasurer's Project Numbers: GH 81608013

Section 2. The plan of financing such objects or purposes is the issuance of \$1,350,000.00 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 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 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 5, 2010 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**Approved as to form
March 19, 2010**

Corporation Counsel

Council Member Bailey introduced the following:

Ordinance Number 48.41.10

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MULTIFAMILY DWELLINGS AND REGISTERED SEX OFFENDERS

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

Section 1. Chapter 375 of the Code of the City of Albany is hereby amended by adding thereto a new Section 375-142-a to read as follows:

Section 375-a. Residential Housing of Registered Sex Offenders.

No multifamily dwelling within the City of Albany shall house more than two registered sex offenders.

Section 2. This ordinance shall take effect immediately.

**Approved as to form*
March 24, 2010**

Corporation Counsel

*** For introduction purposes only.
Corporation Counsel believes there are constitutional issues with the legislation.**

Council Members Golby and Conti introduced the following:

Ordinance Number 49.41.10

AN ORDINANCE AMENDING CHAPTER 255 (PEACE AND GOOD ORDER) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE X ENTITLED “ABANDONED SHOPPING CARTS”

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

Section 1. Chapter 255 of the Code of the City of Albany is hereby amended by adding thereto a new Article X to read as follows:

**ARTICLE X
SHOPPING CARTS**

Section 255-63. Findings and Legislative Intent. The City of Albany finds that abandoned shopping carts in the city create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic and create a public nuisance. The accumulation of abandoned carts, sometimes wrecked and/or dismantled on public and private property tends to create conditions that reduce property values, and promote blight and deterioration and result in a public nuisance. This article is intended to insure that measures are taken by the owners of shopping carts to prevent the removal of the shopping carts from the owner’s premises, to make removal of the cart a violation of this Code and to facilitate the retrieval of abandoned shopping carts in a manner consistent with State law.

Section 255-64. Removal and Abandonment of Shopping Carts.

A. It shall be unlawful for any person to remove a shopping cart from the premises of the owner of such shopping cart without the written consent of the owner or of his agent, servant or employee given at the time of such removal. For the purpose of this section, the premises shall include the entire parking area set aside by the owner, or on behalf of the owner, for the parking of cars.

B. It shall be unlawful for any person to be in possession of any shopping cart or laundry cart that has been removed from the premises or the parking area of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

C. It shall be unlawful for any person to leave or abandon any shopping cart on any sidewalk, right of way, street or other property within the City other than the property of the owner of the shopping cart.

Section 255-65. Responsibilities of Shopping Cart Owners within the City.

A. Every owner of shopping carts, as defined by this article, shall mark or cause the cart to be marked and identified conspicuously with: the name, address and telephone number of the

owner; and a notice that provides that the removal of the cart from the premises of the owner is a violation of City ordinance.

B. All owners, regardless of the number of carts owned, shall ensure that all carts are secured from public access after close of business hours.

C. Signs shall be placed prominently and conspicuously at all entrances and exits to the cart owner's premises, including the parking areas, that provide a notice of substantially the following information: "REMOVAL OF SHOPPING CARTS FROM THESE PREMISES IS PROHIBITED BY CITY ORDINANCE AND WILL SUBJECT THE VIOLATOR TO A FINE UP TO \$500 AND/OR 15 DAYS IN JAIL."

D. Specific physical measures shall be implemented to prevent cart removal from the business premises. These measures may include, but are not limited to, disabling devices on all carts, posts, fences or other physical measures, posting of a security guard to deter and stop customers who attempt to remove carts from the business premises, security deposits required for use of all carts, or the rental or sale of utility carts that can be temporarily or permanently used for transport of purchases.

Section 255-66. Confiscation.

If a shopping cart is found on any property other than the premises of the owner of the shopping cart, the City may retrieve the cart and remove it to a storage location. Any shopping cart impounded by the City under this section may be reclaimed by the owner thereof by submitting evidence, satisfactory to the City, of ownership and the payment of \$25 for each cart so impounded. Any shopping cart impounded under this section which has not been reclaimed by an owner as herein specified within 60 days shall be disposed of by the City in the same manner as other property seized by the City.

Section 255-67. Violations.

Violations of this article shall be punishable by a fine not exceeding One Hundred Dollars (\$100) for a first violation; a fine not exceeding Two Hundred Dollars (\$200) for a second violation of the same act within a one year period; or a fine not exceeding Five Hundred Dollars (\$500) for each additional violation within a one year period.

Section 2. This ordinance shall take effect immediately.

**Approved as to form
March 24, 2010**

Corporation Counsel

Council Members Fahey and Conti introduced the following:

Ordinance Number 50.41.10

AN ORDINANCE AMENDING SECTION 197-16 (PERMIT REQUIRED) OF CHAPTER 197 (FIRE PREVENTION) OF THE CODE OF THE CITY OF ALBANY TO PROHIBIT FIREWORKS WITHIN 2,500 FEET OF ANY

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

Section 1. Section 197-16 of Chapter 197 of the Code of the City of Albany is hereby amended to read as follows:

§ 197-16. Permit required.

No display of fireworks or other pyrotechnics shall be conducted within the City of Albany without a permit therefore, obtained from the City of Albany Department of Fire. Fireworks shall not be discharged within 2,500 feet of any hospital or long term health care facility.

Section 2. This ordinance shall take effect immediately.

**Approved as to form
March 24, 2010**

Corporation Counsel

Council Member Konev offered the following:

Resolution Number 35.41.10R

RESOLUTION OF THE COMMON COUNCIL APPOINTING DANIEL T. LENNON 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 whom 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 T. Lennon is hereby appointed a Marriage Officer in the City of Albany for a term of one (1) week; to wit: July 26 through and including August 1, 2010.

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

Council Member introduced the following:

Resolution Number 36.41.10R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID CHARGES OF THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES, DEPARTMENT OF BUILDING AND CODES AND THE DEPARTMENT OF GENERAL SERVICES

WHEREAS, the Department of Fire and Emergency Services was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of Building and Codes was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of General Services was created under Part 5 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, all of the above-referenced departments have the ability to apply charges to real property the services they perform at those properties during the course of any tax year; and

WHEREAS, those charges are transmitted to the Treasurer of the City of Albany and collected by the Treasurer; and

WHEREAS, Chapter 258, Section 258-2 of the Code of the City of Albany provides that “any unpaid fees, fines or penalties levied against property, or owner(s) thereof, within the City of Albany that are owed to the City of Albany for the violation of any or all City laws, ordinances and promulgations, and of all state laws, shall be and remain a lien against the property, and such fees, fines or penalties shall be collected by the City from the owner(s) of such property in the same manner as taxes are collected, in that such fees, fines or penalties shall be added to the property tax bill of the subject property”; and

WHEREAS, on or about December 15 of each year, the Treasurer creates an accounting of all these charges that remain uncollected from the preceding year; and

WHEREAS, all of these charges uncollected in the preceding year need to be levied and placed on the annual tax roll of the City of Albany; and

WHEREAS, the Treasurer of the City of Albany has filed with the Common Council a statement of unpaid charges for the year 2009 totaling \$869,007.35.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be delinquent charges levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid charges for the year 2009 by the City of Albany.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$869,007.35, shall be placed on the 2010 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties' 2010 tax bills.

RESOLVED, that the charges totaling \$869,007.35 represent the following:

- 1) Delinquent Demolition and Board Up - \$419,827.08
- 2) Delinquent Debris Removal Charges - \$361,586.18
- 3) Delinquent Snow Removal Charges - \$11,631.84
- 4) Delinquent Certificate of Occupancy Charges - \$75,962.25

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

Council Member Konev offered the following:

Resolution Number 37.41.10R

**RESOLUTION OF THE COMMON COUNCIL AMENDING THE RULES
OF PROCEDURE IN RELATION TO NEWSLETTERS**

RESOLVED, that a new Section 7.2 of Article 7 (Press/Media) of the Rules of Procedure of the Common Council be added to read as follows:

SECTION 7.2.

(a) Each common council member shall be allowed to distribute a yearly newsletter within his or her ward. The newsletter may be used to educate and inform the residents of the ward and cannot be used to convey partisanship, approval or disapproval of local legislation or to promote individual opinions, whims, or beliefs.

(b) In an election year, the newsletter shall be distributed no later than 125 days prior to the scheduled primary day for that election.

Council Member Rosenzweig offered the following:

Resolution Number 38.41.10R

RESOLUTION OF THE COMMON COUNCIL OPPOSING GOVERNOR PATTERSON'S PROPOSAL TO ALLOW THE SALE OF WINE IN GROCERY, CONVENIENCE OR DRUG STORES

WHEREAS, New York State currently has approximately 2,600 liquor stores; and

WHEREAS, liquor stores are prohibited from becoming a chain of more than one store; and

WHEREAS, New York State also requires that liquor stores be owned by an on-premise single operator; and

WHEREAS, owners of liquor stores are prohibited from forming collective buying groups with other stores, which would increase their purchasing power; and

WHEREAS, liquor stores are not allowed to sell drink mixers, napkins or other items requested by its customers; and

WHEREAS, in New York State off-premises sale of wine and spirits is only allowed at liquor stores, and furthermore beer is not sold at liquor stores, it must be sold at supermarkets, convenience and drug stores; and

WHEREAS, for a second year, New York State's Governor, in an effort to close a multibillion dollar deficit, has proposed legalizing wine sales in grocery and convenience stores; and

WHEREAS, the Governor's proposal would allow the sale of wine in New York State's 19,000 grocery stores; and

WHEREAS, grocery stores would immediately bypass all the rules by making wine available in chains of stores giving chain stores a strong purchasing advantage; and

WHEREAS, small business retailers who would be affected by the Governor's proposal indicated that 65 to 80 percent of their overall sales is devoted to wine; and

WHEREAS, it's estimated that if wine is sold in grocery stores over 1,000 small businesses: wine sellers, liquor stores and wineries would be forced to close; and

WHEREAS, a study commissioned by the trade group also found that the loss of wine sales would add 4,000 to 6,000 people to the unemployment rolls of New York State; and

WHEREAS, it has been estimated that New York State has the potential of collecting \$65 million in the form of one-time fees from grocery and convenience stores; and

WHEREAS, this proposal is only a “quick fix” which will bring an influx of cash for two years as a result of the new licensing only to cost the state more money in the long run due to unemployment, lost income tax and emptied retail space; and

WHEREAS, no state has passed this type of measure in 23 years and recently Massachusetts voters rejected a similar plan; and

WHEREAS, in Florida, California and Texas, three states that sells wine everywhere, the number of alcohol related fatalities per 100,000 is more than double that of New York State; and

WHEREAS, alcohol related fatalities of those under the age of 21 are three times higher in these states where wine is sold ubiquitously, as compared to New York State where wine is sold at independently owned licensed stores.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany is against the New York State proposal to allow the sale of wine in grocery, convenience or drug stores; and be it further

BE IT FURTHER RESOLVED, that the Common Council authorizes the City Clerk to forward copies of this resolution to Governor David Paterson, Senate Majority Leader Pedro Espada Jr., Senate Minority Leader Dean Skelos, Senator Neil Breslin, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ronald Canestrari, Assembly Minority Leader Brian Kolb, Assemblyman John McEneny and Stefan Kalogrides, President of the New York State Liquor Store Association.

Council Members Calsolaro, Bailey, Conti, Fahey, Konev, Sano, and Smith introduced the following:

Resolution Number 39.41.10R

RESOLUTION URGING THE U.S. DEPARTMENT OF JUSTICE TO REVIEW THE CONVICTIONS OF MUSLIMS WHO WERE “PREEMPTIVELY PROSECUTED” TO ENSURE THEIR FAIR TREATMENT UNDER THE U.S. CONSTITUTION AND BILL OF RIGHTS

WHEREAS, the Declaration of Independence of the United States and the United States Constitution and the Bill of Rights are the cornerstone of our democracy; and

WHEREAS, since 9/11 Muslims in the United States have been targeted by the U.S. government for increased scrutiny, surveillance and prosecution; and

WHEREAS, the United States government created a warrantless electronic surveillance program which obtained secret classified information on Americans, apparently in violation of various laws including the Foreign Intelligence Surveillance Act, and the First and Fourth Amendments to the U.S. Constitution; and

WHEREAS, the Department of Justice and the FBI created a program called “presumptive prosecution” in which Muslims who are not involved in criminal activity are targeted and prosecuted based on “secret evidence,” often derived from warrantless electronic surveillance, and from agents provocateur sent into mosques by the US government to entrap Muslims; and

WHEREAS, there is a substantial probability that the activities and programs of the U.S. government which target a religious minority in such a manner violate their civil rights as Americans; and

WHEREAS, in 2003 the Albany Common Council voted unanimously to object to the Patriot Act because of the dangers that this act posed to the civil rights and liberties of all Americans; and

WHEREAS, in 2009 the Albany Common Council voted to support immigrant rights in the City of Albany so that immigrant families would not live in constant fear of repression, jail, or deportation; and

WHEREAS, because of excessive secrecy by the U.S. government about its warrantless eavesdropping and preemptive prosecution programs, substantial doubt remains as to whether hundreds of Muslims entrapped by the FBI and Justice Department in the preemptive prosecution program, were guilty of crimes, and whether the defendants received their civil rights guaranteed under the U.S. Constitution, including the right to receive exculpatory information, and a fair trial; and

WHEREAS, after Senator Ted Stevens was convicted of Bribery, the Justice Department did an independent assessment of how his case was prosecuted, determined that exculpatory information had been withheld by prosecutors, and dismissed the case; and

WHEREAS, the Inspector General of the Department of Justice, in a July 10, 2009 report on US surveillance programs recommended, “that Department of Justice carefully consider whether it must re-examine past [terrorism] cases to see whether potentially discoverable but undisclosed Rule 16 or *Brady* material was collected under the President's Surveillance Program, and take appropriate steps to ensure that it has complied with its discovery obligations in such cases” (report p. 19).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany requests that the U.S. Department of Justice implement the recommendation of its own Inspector General, and establish an independent panel within the Department of Justice, similar to what was done in the Stevens case, and to what was recommended by the Inspector General, to review all of the convictions of Muslims who were “preemptively prosecuted” to determine if these defendants were properly given exculpatory information and other rights of discovery to which defendants in criminal prosecutions are entitled, and whether these prosecutions in all ways met the high standards of truth, openness, fairness, and justice that are embodied in the US Constitution and the Bill of Rights.

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 United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

Council Member Freeman introduced the following:

Resolution Number 40.41.10R

RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO REMOVE THE SCHUYLER MANSION FROM THE LIST OF STATE HISTORIC SITES TO BE CLOSED

WHEREAS, Schuyler Mansion is one of Colonial America's Great Homes. Built in 1761, it is an architectural treasure, and one of the finest eighteenth-century residences in New York State; and

WHEREAS, the importance of this historic building is beyond reckoning. During the American Revolution, some of the most important men of the age stayed at Philip Schuyler's residence. Among those who visited Schuyler, all concerning political matters of gravest importance, were Benjamin Franklin, Horatio Gates, Alexander Hamilton, John Jay, the Marquis de Lafayette, the Marquis de Chastellux, and on two occasions, George Washington. All sought Schuyler out in connection with the American and British struggle over control of the strategically important Hudson-Champlain Corridor; and

WHEREAS, a battle was fought twenty-five miles above Albany in 1777 that some historians consider the most important battle of the last thousand years, the Battle of Saratoga, the turning point of the American Revolution. Philip Schuyler was commanding general of the army that was responsible for blocking a British army under General John Burgoyne from reaching its destination, Albany. Schuyler played a major role in the defeat of Burgoyne's army. He also entertained Burgoyne in his Albany residence after his defeat; and

WHEREAS, the Schuyler Mansion is where Alexander Hamilton married the daughter of Philip Schuyler. Here is where Hamilton formulated the idea of writing a series of newspaper articles that advanced arguments in favor of ratifying the American Constitution, the Federalist Papers. Written by John Jay, Hamilton, and James Madison, the Federalist Papers are among the most important bodies of political thought in all of American history; and

WHEREAS, the site has been designated a National Historic Landmark as well as a New York State Historic Site. Closing the site to the public is in direct contravention to its designation as a historic site in the first place and its purpose to educate.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany urges the Governor and the State Legislature to take the Philip Schuyler Mansion off of the list of historic sites to be closed so that it can remain a valuable asset to all of New York and remain preserved for future generations.

BE IT FURTHER RESOLVED, that the Common Council authorizes the City Clerk to forward copies of this resolution to Governor David Paterson, Senate Majority Leader Pedro Espada Jr., Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ronald Canestrari, Assembly Minority Leader Brian Kolb, Senator Neil Breslin, and Assemblyman John McEneny.