

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, March 15, 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, Konev, O'Brien, Rosenzweig, Sano, and Smith.

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

Council Member Conti led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Paula T. Spratt, 155 Lincoln Ave., Colonie, NY 12205 (Fox Run Estates)
2. Ciaran Geraghty, 244 S. Main Ave., Albany, NY 12208 (Resolution 29.32.10R)
3. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Closing of the YMCA)
4. Mike Yevoli, 21 Lodge St., Albany, NY 12207 (Support CRC)
5. Fred Erlich, 300 Washington Ave., Albany, NY 12203 (Support CRC)
6. Chris Mercogliano, YMCA Community Task Force (Washington Avenue YMCA)
7. Grace Nichols, 439 Elk St., Albany, NY 12206 (Pesticides at the Landfill)

Council Member Conti made a motion to extend Public Comment Period for an additional 25 minutes, which was approved by unanimous voice vote.

8. John Wolcott, 344 Sheridan Ave., Albany, NY 12206 (Restoration Plan/Landfill)
9. Lynne Jackson, 223 S. Swan St., Albany, NY 12202 (Oppose Landfill Bonding)
10. Bert Scott, Guilderland (Against Landfill Fill Debt)
11. Julia Donnaruma, HANYS (Support CRC)

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Council Member Conti made a motion to approve the minutes of the February 18, 2010 and the March 1, 2010 meeting, 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.

REPORTS OF STANDING COMMITTEES

Public Safety - Council Member Smith stated that the Committee met on March 9, 2010 with members of the Police Chief Search Committee and members of the public had a chance to ask questions about the process.

Planning, Economic Development and Land Use – Council Member Herring stated that the Committee met on March 11, 2010 to discuss Resolution 4.12.10R regarding the Capital Resource Corporation, which a majority of the Committee favorably recommended to the full Council with amendments.

Finance, Taxation and Assessment – Council Member Sano stated that the Committee met on March 3, 2010 to discuss various DGS bonding Ordinance Numbers 16.22.10 thru 31.22.10. There were three (3) ordinances held. The Committee would also be meeting on March 17, 2010 at 5:30pm to discuss bonding related to APD Replacement Vehicles and Council Member Freeman’s Resolution Number 18.21.10R in relation to a commuter tax.

CONSIDERATION OF ORDINANCES

Council Member Calsolaro introduced the following, which was referred to the Law, Buildings and Code Enforcement Committee:

Ordinance Number 45.32.10

AN ORDINANCE AMENDING SECTION 359-22 (PARKING, STANDING AND STOPPING RESTRICTIONS) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ENGINE IDLING

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

Section 1. Section 359-22(J) of Chapter 359 of the Code of the City of Albany is hereby amended to read as follows:

§ 359-22. Parking, standing and stopping restrictions.

Except as otherwise designated by official signs, signals or markings, the following restrictions will apply in the City of Albany. Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a police officer or official traffic control device, no person shall:

J. Cause or permit the engine of a [~~commercial~~] motor vehicle, other than a legally authorized emergency motor vehicle or a television transmission vehicle, to idle for more than five minutes while parking, standing or stopping, except that a bus, as defined in § 104 of the Vehicle and Traffic Law may idle while passengers are on board or while boarding or discharging passengers.

Section 2. This ordinance shall take effect immediately.

Council Member Calsolaro asked for passage of Ordinance Number 5.11.10 (As Amended) (AN ORDINANCE AMENDING PART 3 (DEPARTMENT OF PUBLIC SAFETY) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO POLICE REPORTING), which had been previously introduced and amended.

**Note: There was discussion from Council Member Calsolaro stating that this legislation would require the Albany Police Department to submit bi-annual reports to the Council regarding gun crime.*

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 16.22.10 (AN ORDINANCE

AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,010,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,010,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (REPLACEMENT VEHICLES), which had been previously introduced.

**Note: There was discussion from Council Member Sano stating that this legislation would be replacing 17 vehicles. There was discussion from Council Member Konev requesting that the Council get a copy of the department's vehicle replacement plan.*

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

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

Negative – Freeman

Present – Konev

Affirmative 13 Negative 1 Abstain 0 Present 1

Council Member Sano asked for passage of ORDINANCE NUMBER 17.22.10 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,900,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,900,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET RECONSTRUCTION), which had been previously introduced.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 18.22.10 (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.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 19.22.10 (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.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 20.22.10 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY HALL IMPROVEMENTS), which had been previously introduced.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 23.22.10 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$100,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$100,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LOADER MOUNTED SNOW BLOWER), which had been previously introduced.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano moved to amend and as amended asked for passage and a roll call vote thereon:

Ordinance Number 24.22.10 (As Amended)

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$75,000.00 AND AUTHORIZING THE ISSUANCE OF \$75,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (NORMANSKILL FARM IMPROVEMENTS)

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: Unspecified Betterments and Improvements

Local Finance Law Section 11.00(a) Subparagraph 35

Period of Probable Usefulness: [45] 5 years

Maximum Term of Obligations: [45] 5 years

Maximum Estimated Cost: \$75,000.00

Maximum Amount of Bonds: \$75,000.00

Treasurer's Bond Authorization Numbers: I-10

Treasurer's Project Numbers: GH 71108009

Section 2. The plan of financing such objects or purposes is the issuance of \$75,000.00 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 February 2, 2009 and shall take effect upon its approval by the

Board of Estimate and Apportionment of the City of Albany.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano moved to amend and as amended asked for passage and a roll call vote thereon:

Ordinance Number 25.22.10 (As Amended)

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$75,000.00 AND AUTHORIZING THE ISSUANCE OF \$75,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (WASHINGTON PARK IMPROVEMENTS)

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(a)

Period of Probable Usefulness: [20] 5 years

Maximum Term of Obligations: [20] 5 years

Maximum Estimated Cost: \$75,000.00

Maximum Amount of Bonds: \$75,000.00

Treasurer's Bond Authorization Numbers: J-10

Treasurer's Project Numbers: GH 71108010

Section 2. The plan of financing such objects or purposes is the issuance of \$75,000.00 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:

(1) (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 21, 2008 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**Note: There was discussion from Council Member Sano regarding the amendment changing the life of the bond from 20 years to five (5) years and the purpose of the bonding, which is to have a drainage study conducted at Washington Park.*

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano moved to amend and as amended asked for passage and a roll call vote thereon:

Ordinance Number 26.22.10 (As Amended)

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (REPLACEMENT EQUIPMENT)

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: Machinery and apparatus for construction and maintenance Local Finance Law
Section 11.00(a) Subparagraph 28

Period of Probable Usefulness: [~~15~~] 5 years
Maximum Term of Obligations: [~~15~~] 5 years
Maximum Estimated Cost: \$300,000.00
Maximum Amount of Bonds: \$300,000.00
Treasurer's Bond Authorization Numbers: K-10
Treasurer's Project Numbers: GH 71108100

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$300,000.00 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 February 18, 2010 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**Note: There was discussion from Council Member Freeman regarding the large amount of bonding when the City of Albany is facing a \$20 million budget gap. He discussed having a problem with Supervisors getting new vehicles when lower employees may lose their jobs. He discussed that the Mayor in the past has demonstrated that he can get extra money. He discussed that the City may be faced with laying off employees at the end of the year, like other government agencies have been forced to do. There was discussion from Council Member Sano that this legislation includes equipment for parks and even though it is a tough budget year, the current workforce still needs to do the work.*

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano moved to amend and as amended asked for passage and a roll call vote thereon:

Ordinance Number 27.22.10 (As Amended)

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$695,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$695,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LANDFILL EQUIPMENT)

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] 15 years
- Maximum Term of Obligations: [20] 15 years
- Maximum Estimated Cost: \$695,000.00
- Maximum Amount of Bonds: \$695,000.00
- Treasurer's Bond Authorization Numbers: L-10
- Treasurer's Project Numbers: GH 81608012

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$695,000.00 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 21, 2008 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

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, Rosenzweig, O’Brien, Sano, and Smith

Present – Konev

Affirmative 14 Negative 0 Abstain 0 Present 1

Council Member Sano moved to amend and as amended asked for passage and a roll call vote thereon:

Ordinance Number 28.22.10 (As Amended)

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: ~~{20}~~ 10years
Maximum Term of Obligations: ~~{20}~~ 10years
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 May 4, 2009 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**Note: There was discussion from Council Member Konev regarding the landfill should be self-sustaining. He discussed the landfill expansion should be paid for by the fees generated by the landfill. He discussed raising the tipping fees for haulers and if they left, it would extend the life of the landfill. He stated he was against bonding for the landfill expansion. There was discussion from Council Member Freeman agreeing with Council Member Konev. He discussed having Department Heads better explain where the professional fee money is actually going. He stated he was not in support of this legislation. There was discussion from Council Member O'Brien regarding the commercial hauler fees having been increases for this year. He discussed Clough Harbor/Nixon Peabody receiving the professional fees. He discussed the use of the landfill has decreased to 800 tons and that the Treasurer, Ms. Sheehan is working on a full cost accounting assessment regarding the landfill. There was discussion from Council Member Calsolaro regarding his opposition to the landfill expansion and the tens of millions of dollars bonded for the expansion. He discussed that it costs \$800,000 to replace a shredder for the landfill and \$1.2 million for the diesel fuel it uses to run the shredder. He discussed the cost of \$7,000 to replace a unit on the shredder, which has to be replaced every two (2) weeks. There was discussion from Council Member Sano regarding the landfill does make money and the bonds would get paid out of the landfill revenue.*

NOT Passed by the following vote of all the Council Members elected voting in favor thereof:

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

Negative – Calsolaro, Fahey, Freeman, Golby, Konev, and Smith

Affirmative 9 Negative 6 Abstain 0

***Note: Bonding Ordinances requires a two-thirds vote, or ten votes in the affirmative in order to pass. The motion failed.**

Council Member Sano asked for passage of ORDINANCE NUMBER 30.22.10 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$3,882,000.00 AND AUTHORIZING THE ISSUANCE OF \$3,882,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LANDFILL EXPANSION - PHASE 2), which had been previously introduced.

**Note: There was discussion from Council Member Konev regarding passing this legislation before receiving Fish and Wildlife approvals. He discussed this legislation should have been held with Ordinance Number 29.22.10. There was discussion from Council Member O'Brien regarding Phase I of the landfill expansion has already begun. He discussed that Phase II involved the placement of the new cell. There was discussion from Council Member Calsolaro regarding being able to approve the bonding but unable to award the contract until all approvals are back. He discussed that everything is paid out of the general fund therefore taxpayers are still paying for the bonds. He discussed that the Council is still arguing over the landfill 20 years later. There was discussion from Council Member Sano regarding this being a seven (7) acre expansion and the Council can approve the funding but the department cannot award the contract.*

***Note: A roll call vote began, before the final vote was cast Council Member Sano made a motion to withdraw the request for a roll call vote on Ordinance Number 30.22.10 and that it be held and additionally requested that Ordinance 31.22.10 be held.**

Council Member Sano asked for passage of Ordinance Number 35.31.10 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$450,000.00 AND AUTHORIZING THE ISSUANCE OF \$450,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (TRAFFIC SIGNALS))

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of Ordinance Number 36.31.10 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$140,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$140,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (TRAFFIC SIGNAL AERIAL TRUCK))

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of Ordinance Number 38.31.10 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$4,738,000.00 AND AUTHORIZING THE ISSUANCE OF \$4,738,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (WASHINGTON AND WESTERN TRAFFIC SIGNAL PROJECT))

**Note: There was discussion from Council Member Sano stating that this project would cost the City \$238,000 because this project is 95% reimbursable. He discussed that all the traffic signal lights from the City line down into the City would be upgraded or replaced.*

Ordinance Number 38.31.10 was Co-Sponsored by Council Member Konev.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Sano asked for passage of Ordinance Number 39.31.10 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$844,000.00 AND AUTHORIZING THE ISSUANCE OF \$844,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (NEW SCOTLAND TRAFFIC SIGNAL PROJECT))

**Note: There was discussion from Council Member Sano stating that this project is 95% reimbursable.*

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

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

Affirmative 15 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 Konev and Sano offered the following, which was held:

Resolution Number 28.32.10R

RESOLUTION OF THE COMMON COUNCIL CALLING FOR GOVERNOR DAVID A. PATERSON’S RESIGNATION/ TEMPORARY STEP ASIDE DUE TO LACK OF ABILITY TO CONTINUE PERFORMING HIS DUTIES BECAUSE OF PENDING INVESTIGATIONS

WHEREAS, incidents of domestic violence by state advisors to the Governor must not be tolerated; and

WHEREAS, The governor’s top criminal justice adviser, Denise E. O’Donnell, resigned on February 25th, 2010 saying it was “unacceptable” that Mr. Paterson and the State Police had made contact with a woman

who was seeking an order of protection against the aide, and that she could not “in good conscience” remain in the administration; and

WHEREAS, Governor’s top staff member and confidant, David Johnson has been accused of choking a woman, stripping her of much of her clothing, smashing her against a dresser and preventing her from calling for help; and

WHEREAS, Mr. Paterson also spoke to the woman, in a phone call on February 7, the day before she was scheduled to appear in court to seek a final protective order which resulted in her not showing up the next day and dismissal of the case; and

WHEREAS, Major Charles Day, the head of the governor’s security detail, personally contacted the woman as well and had no jurisdiction to do so; and

WHEREAS, according to the National Coalition Against Domestic Violence, one in every four women will experience domestic violence in her lifetime. An estimated 1.3 million women are victims of physical assault by an intimate partner each year; and

WHEREAS, in that same study, the majority (73%) of family violence victims are female. Females are 84% of spousal abuse victims and 86% of abuse victims at the hands of a boyfriend; and

WHEREAS, NYS officials take an oath of office requiring them to uphold the United States Constitution and NYS Constitution and laws therein; and

WHEREAS, elected officials are de facto role models for appropriate public discourse and behavior; and

WHEREAS, Governor David A. Paterson by getting involved in this domestic violence case has violated his oath of office by breaking the law and covering up an assault against another individual; and

WHEREAS, Governor David A. Paterson cannot continue to perform duties of governor which includes negotiation of the budget under the stress and scrutiny of the investigation; and

WHEREAS, The leadership of our state should not be compromised by appearances of cover ups of serious offenses; and

WHEREAS, the Public Integrity Commission determined on March 3, 2010 that “there is reasonable cause to believe that Governor Paterson solicited, received and accepted an unlawful gift; and falsely testified under oath that he had always intended to pay for the tickets for his son and his son’s friend when, in fact, the Governor’s intention was to receive and accept the tickets without paying for them until a press inquiry caused him to submit a backdated check as payment for the tickets”; and

WHEREAS, According to the March 3rd finding, "The Governor is charged with violating two subsections of the gift ban provisions of the Public Officers Law, each of which carries a maximum penalty of \$40,000. In addition, he allegedly violated three sections of the State Code of Ethics, including one that prohibits the Governor from using his official position to secure unwarranted privileges, which carries a civil penalty of \$10,000"; and

WHEREAS, Lt. Governor Richard Ravitch who would take over in the event of governor’s resignation is a very capable individual with vast background in both private and public sectors and regularly works long days, and according to the New York Times "if he occasionally closed his eyes, it was only to think up another question nobody saw coming."

NOW, THEREFORE, BE IT RESOLVED, that the Albany Common Council calls on Governor David A. Paterson to resign from office immediately or at least temporarily relinquish their duties until full investigation is complete.

BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Governor David A. Paterson, Lt. Governor Richard Ravitch, Speaker Sheldon Silver, Senate Temporary President Malcolm Smith, and Senate Democratic Leader John Sampson.

Common Council Members Igoe, Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith offered the following, which was approved:

Resolution Number 29.32.10R

RESOLUTION OF THE COMMON COUNCIL CALLING FOR A UNITED IRELAND AS OUTLINED IN THE GOOD FRIDAY AGREEMENT

WHEREAS, Ireland and its people are an ancient and distinct nation; and

WHEREAS, Ireland is an island nation that has throughout its history been comprised of 32 counties, artificially divided into a 26 county (the Irish Republic) and a 6 county (Northern Ireland) unit in the 1920s; and

WHEREAS, this artificial, forced division of the Irish Nation was designed to be a transitory answer to the 1920's issues; and

WHEREAS, history has demonstrated that the Irish people have the right and responsibility to govern themselves; and

WHEREAS, human and civic rights derive "their just powers from the consent of the governed" and are best guaranteed by a peoples' freely instituted, duly elected and independent government; and

WHEREAS, the Irish Republic is a member of the European Economic Union and a unified, independent Irish economy is the most effective way for that economy to grow and the most fair and impartial path to extend the benefits of such growth to all Ireland; and

WHEREAS, a unified, independent Irish Police Service and Justice System is necessary to be effective, fair and impartial; and

WHEREAS, a unified, independent Irish Society is most likely to provide for the social and practical needs of its people; and

WHEREAS, the historic Good Friday Agreement, negotiated with American support, and ratified by the English and Irish governments, as well as a vote of the entire island of Ireland, includes provisions for achieving a United Ireland through purely democratic and peaceful means and provides for the development of North/South Institutions and cross-border cooperation; and

WHEREAS, the City of Albany and the United States as a whole have greatly benefited from the contributions of the sons and daughters of Ireland; and

WHEREAS, the democratic reunification of Ireland is the ultimate roadmap to peace and prosperity for the Irish nation and people.

NOW, THEREFORE, BE IT RESOLVED, that Common Council of the City of Albany does hereby call on the English and Irish Governments to take immediate steps necessary to bring to fullness the promises of the all Ireland institutions called for and envisioned by the Good Friday agreement, request the Irish government to formally study the implications of a United Ireland and outline steps fundamental to restore the Irish nation and publicly report their findings and plans, and respectfully suggest that the Irish government move without delay to further the peaceful healing of the Irish nation by granting duly elected Northern Members of Parliament "Speaking Rights" in the Irish Parliament and expanding the voting rights for the Irish President to the citizens of the six counties of the North of Ireland.

BE IT FURTHER RESOLVED, that an engrossed copy of this resolution be presented to the Albany Ancient Order of Hibernians as evidence of the sincere sentiments and recognition of this legislative body.

**Note: There was discussion from Council Member Igoe regarding the Ireland Good Friday Agreement was mentioned in a proclamation by President Obama. He discussed the agreement being a step forward with trying to bring peace to Ireland and mentioned that this is the 20th Anniversary of the falling of the Berlin Wall.*

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

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

Affirmative 15 Negative 0 Abstain 0

Council Members Konev and Sano offered the following, which was referred to the Parks, Recreation and Family Services Committee:

Resolution Number 30.32.10R

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

WHEREAS, according to the Centers for Disease Control, obesity among children has nearly doubled in the last decade. Alarming, more than 9 million children in the United States are either obese or overweight, and studies show today's children are not getting the necessary exercise and activity for effective weight management and good health; and

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

WHEREAS, overweight children are much more likely to develop severe health issues such as type 2 diabetes, cardiovascular disease, sleep apnea and asthma; Additionally, being overweight often undermines children's social and emotional well-being by increasing the likelihood that they will be stigmatized by their peers, thus lowering their self-esteem and interfering with their academic achievement and successful transition to adulthood; and

WHEREAS, with television, computers and video games, today's kids are leading a more sedentary lifestyle and gaining weight, which puts them at greater risk for health problems such as heart disease and diabetes; and

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

WHEREAS, the Common Council would like to provide a way for the children to get moving and reduce their risks for these potentially serious health problems.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Albany hereby creates a yearly “Get Fit Kids” award to encourage youth in the City of Albany to exercise. The criteria and judging of the award shall be determined by majority vote of the Common Council.

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

Resolution Number 31.32.10R

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN AMENDMENT OF THE EXISTING LOAN AND SUBSIDY CONTRACT BETWEEN THE CITY OF ALBANY, THE ALBANY HOUSING AUTHORITY AND THE STATE OF NEW YORK

WHEREAS, the State of New York, the City of Albany and the Albany Housing Authority entered into a Loan and Subsidy Contract for Projects designed as No. NYS-136 on April 22, 1963.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby gives its consent and approval for the City to enter into an Amendment to the existing Loan and Subsidy Contract between the City of Albany, the Albany Housing Authority and the State of New York enabling the Albany Housing Authority to incorporate Townsend Park Homes (NYS-137C) into the Authority’s federal low-rent housing program.

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

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

Affirmative 15 Negative 0 Abstain 0

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

Resolution Number 32.32.10R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU-OF TAX (PILOT) AGREEMENT WITH SOUTHEND ASSOCIATES II LLC AND AHA SOUTH END II HOUSING DEVELOPMENT FUND CORP.

WHEREAS, Southend Associates II LLC (the “Company”) is a limited liability company established pursuant to the New York Limited Liability Company Law, and is controlled by or under common control with ALBANY HOUSING AUTHORITY (“AHA”); and

WHEREAS, it is anticipated that AHA South End II Housing Development Fund Corp. (the “HDFC”) will be organized as a corporation established pursuant to section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”), and will be controlled by or under the common control with ALBANY HOUSING AUTHORITY (“AHA”); and

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

WHEREAS, it is anticipated that the HDFC will be a managing member of the Company; and

WHEREAS, the Company’s and the HDFC’s plan for the use of the property hereinafter described, consisting of the construction and redevelopment of forty three (43) residential rental units for persons and families of low-income, constitutes a “housing project” as that term is defined in Section 572 of the PHFL (the “Project”) and will be located and situated at or near 16, 26, 28, 30, 32 Morton Avenue (SBLs 76.57-5-17, 11, 10, 9, and 8), 64, 66, 74, 86, 90 and 92 Morton Avenue (SBLs 76.56-2-15, 14, 10, 5, 4 and 3), 31, 33, 35 and 37 Catherine Street (SBLs 76.57-5-42, 43, 44 and 45), 99, 101 and 103 Broad Street (SBLs 76.73-1-20, 21 and 22) and 99 and 105 Clinton Street (SBLs 76.64-3-22 and 23) in the City and County of Albany, State of New York (the “Property”); and

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

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

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Conti asked and received majority consent to add Resolution Number 33.32.10R and Resolution Number 34.32.10R to the pending agenda, which was approved by unanimous voice vote.

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

Resolution Number 33.32.10R(MC)

RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL URGING ALL CITIZENS OF ALBANY TO COMPLETE THEIR CENSUS FORMS AS AN ACCURATE COUNT FORMS THE BASIS FOR MANY IMPORTANT POLITICAL, ECONOMIC, AND SOCIAL DECISIONS THAT

ARE MADE AFFECTING THEIR DAILY LIVES

WHEREAS, an accurate census count is vital to our community and residents’ well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation’s growing and changing population; and

WHEREAS, more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data; and

WHEREAS, census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts; and

WHEREAS, in the 2000 Census the City of Albany response rate was 65% compared to 72% nationally; and

WHEREAS, the 2010 Census creates jobs that stimulate economic growth and increase employment; and

WHEREAS, the information collected by the census is confidential and protected by law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council urges all citizens to take part in the 2010 Census.

BE IT FURTHER RESOLVED, that the Common Council is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010. As a 2010 Census partner, we will support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate; encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census; support census takers as they help our community complete an accurate count; and create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census.

**Note: There was discussion from Council Member Konev encouraging the City of Albany to reach out to all populations especially those who do not speak English. He discussed the City not holding town meetings regarding the Census 2010. There was discussion from Council Member Rosenzweig regarding there being posters in various languages and it being important for Council Members to get the word out in their neighborhoods. There was discussion from Council Member Freeman regarding the Census 2010 being very important for the City of Albany and that it is important that there is an accurate count in the minority communities. There was discussion from Council President McLaughlin encouraging Council Members to take posters and place them in their neighborhoods.*

Resolution Number 33.32.10R(MC) was Co-Sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Golby, Herring, Konev, O’Brien, Sano and Smith.

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

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

Affirmative 15 Negative 0 Abstain 0

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

Resolution 34.32.10R(MC)

RESOLUTION OF THE COMMON COUNCIL APPOINTING KATHY M. SHEEHAN AS A MEMBER OF THE CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, pursuant to the provisions of Sections 856 and 903-a of the General Municipal Law the Common Council of the City of Albany has the authority to appoint members of the Industrial Development Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany, duly convened does hereby appoint Kathy M. Sheehan as a member of the City of Albany Industrial Development Agency.

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

Resolution Number 34.32.10R(MC) was Co-Sponsored by Council Members Calsolaro, Conti, Fahey, Golby, Herring, Igoe, Konev, Rosenzweig, Sano and Smith.

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

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

Affirmative 14 Negative 0 Abstain 0 Present 1

**Note: During Miscellaneous and Unfinished business there was a motion to reconsider the vote by which Resolution Number 34.32.10R(MC) was passed.*

Council Member Herring moved to amend and as amended asked for passage and a roll call vote thereon:

Resolution Number 4.12.10R (As Amended)

RESOLUTION OF THE COMMON COUNCIL APPROVING THE PROPOSED CERTIFICATE OF INCORPORATION AND CONSENTING TO THE FORMATION OF THE CITY OF ALBANY CAPITAL RESOURCE CORPORATION

WHEREAS, on January 31, 2008, Section 854 of the General Municipal Law, commonly referred to as the Civic Facilities Legislation (the “Law”) expired and, since the expiration of the Law, industrial development agencies have generally not been able to provide financial assistance to projects owned or operated by not-for-profit corporations (hereinafter referred to as “Civic Facility Projects”); and

WHEREAS, the ability to finance Civic Facility Projects with tax-exempt bonds has been a very important tool for the City of Albany Industrial Development Agency (the “Agency”), as the Civic Facility Projects undertaken by the Agency have increased employment opportunities for residents of the City of Albany and allowed local not-for-profit corporations to upgrade their facilities at the lowest possible cost; and

WHEREAS, local development corporations formed under the New York State Not-For-Profit Corporation Law (the “NFPCL”) are created to assist, among others, not-for-profit corporations that are undertaking projects that further any of the following purposes for which local development corporations are created: (1) relieving and reducing unemployment, (2) promoting and providing for additional and maximum employment, (3) bettering and maintaining job opportunities, (4) instructing or training individuals to improve or develop their capabilities for such jobs, (5) carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the

development of, or retention of, an industry in the community or area and (6) lessening the burdens of government and acting in the public interest; and

WHEREAS, in furtherance of the public purposes set forth above, a local development corporation formed under the NFPCL is empowered to take the following actions: (1) to construct, acquire, rehabilitate and improve for use by others, industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (2) to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants for others in such territory, (3) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (4) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (5) to borrow money and to issue negotiable bonds, notes and other obligations therefor and (6) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable; and

WHEREAS, under the laws of the State of New York, capital resource corporations are permitted to issue tax-exempt bonds for the benefit of qualifying Civic Facility Projects; and

WHEREAS, in accordance with Section 1411(a) of the NFPCL, prior to forming a capital resource corporation, the Agency must obtain the Common Council's approval of the certificate of incorporation that will be used to form the local development corporation; and

WHEREAS, by resolution adopted on October 22, 2009, the Agency has approved the formation of the local development corporation and has requested the Common Council to approve the formation of the local development corporation; and

WHEREAS, the Agency has prepared a proposed certificate of incorporation for review by the Common Council and a copy of such proposed certificate of incorporation is attached hereto as Schedule A.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council authorizes the City of Albany Industrial Development Agency to form the City of Albany Capital Resource Corporation in accordance with Section 1411 of the NFPCL; provided, however, that any obligations issued by the local development corporation, and the premium (if any) and interest thereon, shall be special obligations of the capital resource corporation and shall never be a debt of the State of New York, the City of Albany, New York or any political subdivision thereof (other than the capital resource corporation), and neither the State of New York, the City of Albany, New York nor any political subdivision thereof (other than the capital resource corporation) shall be liable thereon.

BE IT FURTHER RESOLVED, that the Common Council approves the form and substance of the certificate of incorporation presented to the Common Council, attached hereto as Schedule A, in its entirety or in substantially the form thereof presented, with ~~[such changes, variations, omissions and insertions as the Common Council shall approve]~~ the amendments described and attached hereto as Schedule B.

BE IT FURTHER RESOLVED, that the Commissioner of Economic Development and Planning shall prepare and deliver to the Common Council written reports providing information relating to the construction activities of the Civic Facility Projects, such reports to contain the information and to be delivered to the Common Council as described and attached hereto as Schedule C.

RESOLVED, that this resolution shall take effect immediately.

SCHEDULE A

FORM OF CERTIFICATE OF INCORPORATION

-SEE ATTACHED -

CERTIFICATE OF INCORPORATION
OF
CITY OF ALBANY CAPITAL RESOURCE CORPORATION

A Not-For-Profit Local Development Corporation
Under Section 402 and 1411 of the Not-For-Profit
Corporation Law of the State of New York

THE UNDERSIGNED, being over the age of eighteen years, for the purpose of forming a not-for-profit local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York (the “NFPCL”), hereby certifies as follows:

FIRST: The name of the corporation is City of Albany Capital Resource Corporation (hereinafter referred to as the “Corporation”).

SECOND: The Corporation will be a corporation as defined in subparagraph (a)(5) of Section 102 of the NFPCL and, as provided in Section 1411(b) of the NFPCL, will be a Type C Corporation as defined in Section 201 of the NFPCL. The Corporation is a public instrumentality of, but separate and apart from, the City of Albany, New York (the “City”).

THIRD: The purpose for which the Corporation is to be formed and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and for the specific purpose of:

(a) promoting community and economic development and the creation of jobs in the non-profit and for-profit sectors for the citizens of the City by developing and providing programs for not-for-profit institutions, manufacturing and industrial businesses and other entities to access low interest tax-exempt and non-tax-exempt financing for their eligible projects; and

(b) undertaking projects and activities within the City for the purpose of relieving and reducing unemployment, bettering and maintaining job opportunities, carrying on scientific research for the purpose of aiding the City by attracting new industry to the City or by encouraging the development of, or retention of, an industry in the City, and lessening the burdens of government and acting in the public interest.

By means of engaging in the following activities:

(i) issuing and selling one or more series or classes of bonds, notes and other obligations (the “Obligations”) through public letting, private placement, or negotiated underwriting to finance activities referred to in subparagraphs (a) and (b) above, on a secured or unsecured basis;

(ii) engaging the services of one or more underwriters, placement agents, consultants, attorneys, financial advisors and other persons whose services may be appropriate or desirable in connection with the acquisition and financing referred to above;

(iii) entering into contracts with any other economic development organizations sponsored by the City to help achieve the purposes described in subparagraphs (a) and (b) above; and

(iv) in general, performing any and all acts and things, and exercise any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing any of the foregoing purposes of the Corporation.

FOURTH: The activities referred to in paragraph THIRD above will achieve the lawful public objective of lessening the burdens of government, the carrying out of such purposes and the exercise of the powers conferred on the Corporation being the performance of an essential governmental function, it being understood that the performance of such activities will assist the City in reducing unemployment and promoting additional job growth and economic development.

FIFTH: The operations of the Corporation will be conducted within the territory of the City. Notwithstanding any other provision of this Certificate of Incorporation, the by-laws and any provision of law, so long as any Obligations remain outstanding, the Corporation will not do any of the following:

(a) engage in any business or activity other than as set forth in paragraph THIRD;

(b) without the consent of the City and the affirmative vote of two thirds of the members of the Board of Directors of the Corporation, (i) dissolve or liquidate, in whole or in part, or institute proceedings to be adjudicated bankrupt or insolvent, (ii) consent to the institution of bankruptcy or insolvency proceedings against it, (iii) file a petition seeking or consent to reorganization or relief under any applicable federal or state law relating to bankruptcy or insolvency, (iv) consent to the appointment of a receiver, liquidator, assignee, trustee, sequestrator or other similar official of the Corporation or a substantial part of its property, (v) make a general assignment for the benefit of creditors, (vi) admit in writing its inability to pay its debts generally as they become due or (vii) take any corporate action in furtherance of the actions set forth in clauses (i) through (vi) of this paragraph; or

(c) without the consent of the City and the affirmative vote of two thirds of the members of the Board of Directors of the Corporation, merge or consolidate with any other corporation, company or entity or, except to the extent contemplated by paragraph THIRD hereof, sell all or substantially all of its assets or acquire all or substantially all of the assets or capital stock or other ownership interest of any other corporation, company or entity.

SIXTH: Pursuant to the requirements of Section 1411(e) of the Not-For-Profit Corporation Law:

(a) All income and earnings of the Corporation will be used exclusively for its corporate purposes or accrue and, subject to the Corporation's responsibilities under the Obligations, be paid to the New York Job Development Authority.

(b) The property of the Corporation is irrevocably dedicated to charitable purposes. No part of the income or earnings of the Corporation will inure to the benefit or profit of, nor will any distribution of its property or assets be made to, any member, director or officer of the Corporation, or private person, corporate or individual, or to any other private interest, except that the Corporation may repay loans made to it and may repay contributions (other than dues) made to it to the extent that any such contribution may not be allowable as a deduction in computing taxable income under the Internal Revenue Code of 1986, as amended.

(c) If the Corporation accepts a mortgage loan or loans from the New York Job Development Authority, the Corporation will dissolve in accordance with the provisions of paragraph (g) of Section 1411 of the NFPCL upon the repayment or other discharge in full by the Corporation or all such loans.

SEVENTH: (a) The Corporation will not attempt to influence legislation by propaganda or otherwise, or participate in or intervene, directly or indirectly, any political campaign on behalf of or in opposition to any candidate for public office.

(b) The Corporation will not engage in any activities not permitted to be carried on by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

(c) The Corporation will not accept a mortgage loan or loans from the New York Job Development Authority.

EIGHTH: In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors will, after paying or making provision for the payment of all of the liabilities of the Corporation, distribute all of the remaining assets and property of the Corporation to the City, so that the City can use such assets and property to accomplish the purposes set forth in Section 1411(a) of the NFPCL. Any of such assets not so disposed of will be disposed of by order of the Supreme Court of the State of New York pursuant to Section 1008 of the NFPCL.

NINTH: The office of the Corporation will be located in the City of Albany, New York. The Corporation at all times will:

(a) upon request by the Common Council of the City (the “Common Council”) and/or the Mayor of the City of Albany (the “Mayor”), the Corporation will make available any and all books and records of the Corporation for inspection by the Common Council or the Mayor, as the case may be, and their staff; and

(b) submit to the Common Council and the Mayor an annual financial report together with a report of the operations and accomplishments of the Corporation for such annual period.

(c) the governing body of the City, the New York State Authority Budget Office and the New York State Comptroller will have the right to conduct an annual audit of the books and records of the Corporation.

TENTH: The City is the sole member of the Corporation.

ELEVENTH: The Corporation will be managed by a Board of Directors, who are to be comprised of those persons named in paragraph TWELFTH hereof (the “Directors”). Each of the Directors will serve at the pleasure of the governing body of the City and continue to hold office until his successor is appointed by the governing body of the City.

The Corporation is deemed to be a public body (as such term is defined in the Open Meetings Law) and, as such, each meeting of the Board of Directors of the Corporation will be conducted in the manner prescribed by the Open Meetings Law. The Directors will not receive compensation for services provided to or on behalf of the Corporation.

TWELFTH: The Corporation will consist of not less than three nor more than seven Directors. The Directors will be appointed by the governing body of the City and will include (a) the Chairman of City of Albany Industrial Development Agency, (b) the Vice-Chairman of City of Albany Industrial Development Agency, (c) the Treasurer of City of Albany Industrial Development Agency, (d) the Secretary of City of Albany Industrial Development Agency, and (e) any additional members of City of Albany Industrial Development Agency.

(a) The names and addresses of the initial Directors of the Corporation are as follows:

(i) Anthony J. Ferrara, City of Albany Capital Resource Corporation, 21 Lodge Street, Albany, New York 12207.

(ii) Willard A. Bruce, City of Albany Capital Resource Corporation, 21 Lodge Street, Albany, New York 12207.

(iii) Hon. Betty J. Barnette, City of Albany Capital Resource Corporation, 21 Lodge Street, Albany, New York 12207.

(iv) Susan Pedo, City of Albany Capital Resource Corporation, 21 Lodge Street, Albany, New York 12207.

(v) Martin Daley, City of Albany Capital Resource Corporation, 21 Lodge Street, Albany, New York 12207.

(vi) Gary Simpson, City of Albany Capital Resource Corporation, 21 Lodge Street, Albany, New York 12207.

(vii) Prairie Wells, City of Albany Capital Resource Corporation, 21 Lodge Street, Albany, New York 12207.

It is acknowledged that the Directors hold comparable positions with City of Albany Industrial Development Agency established by Chapter 325 of the 1974 Laws of the State of New York, as amended. By reason of the shared public purposes of the Corporation and the City of Albany Industrial Development Agency, none of the Directors of the Corporation will be deemed to have a conflict of interest solely due to such person's position with the City of Albany Industrial Development Agency.

The powers of the corporation set forth in paragraph THIRD hereof will be subject to the following limitations:

(A) The Corporation will only undertake projects that are not authorized by Article 18A of the New York State General Municipal Law (the "New York State Industrial Development Agency Act") unless the Corporation receives a written request from City of Albany Industrial Development Agency, in the form of a resolution adopted by the members of the Agency, asking the Corporation to consider undertaking such project.

(B) The bonds or notes and other obligations of the Corporation will not be a debt of the State of New York or the City of Albany, and neither the State of New York nor the City of Albany will be liable thereon, nor will they be payable out of any funds other than those of the Corporation.

(C) The Corporation will hold a public hearing on any financial assistance in excess of \$100,000 proposed to be provided by the Corporation to a project at which interested parties will be provided with reasonable opportunity, both orally and in writing, to present their views with respect to the project. The Corporation will give the same notice of such hearing as the City of Albany Industrial Development Agency would be required to give pursuant to the provisions of Section 859-a and b of the General Municipal Law of the State of New York as if such hearing was a public hearing of the City of Albany Industrial Development Agency with respect to a project.

THIRTEENTH: The Corporation will be subject to the Public Authorities Accountability Act of 2005 (the "Act"). As such, the Corporation will be required to, among other things: (1) undergo annual independent audits and submit the results of such audits to the City and the New York State Authority Budget Office, (2) prepare and submit its annual budget to the City and the New York State Authority Budget Office, (3) adopt the various ethical, reporting, property disposition and disclosure policies required by the Act, and (4) form governance and audit committees to ensure the Corporation is in compliance with the Act and any other applicable laws.

FOURTEENTH: The Secretary of State of the State of New York is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State will mail a copy of any process against the Corporation served upon him or her is City of Albany Capital Resource Corporation, 21 Lodge Street, Albany, New York 12207. Attn: Chief Executive Officer.

FIFTEENTH: The By-laws of the Corporation may be adopted, amended or repealed by a majority of the Directors of the Corporation upon 10 days notice to all of the Directors, provided, however, that the Corporation will not amend, alter, change or repeal any provision of the adopted By-laws without the consent of the City of Albany Common Council.

SIXTEENTH: The Corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in any manner now or hereafter provided herein or by statute; provided, however, that (1) the Corporation will not amend, alter, change or repeal any provision of this Certificate of Incorporation without the affirmative vote of two-thirds of the members of the Board of Directors of the Corporation and the consent of the City of Albany Common Council, and (2) the Corporation will not amend or change any provision of this Certificate of Incorporation without first providing the Common Council with 10 days advance notice of any proposed amendment, alteration, change or repeal.

IN WITNESS WHEREOF, this certificate has been subscribed by the undersigned this ___ day of _____, 20 .

SCHEDULE B

DESCRIPTION OF AMENDMENT TO
CERTIFICATE OF INCORPORATION

A new paragraph seventeenth shall be added to the Certificate of Incorporation and such paragraph shall read as follows:

"SEVENTEENTH: Notwithstanding anything herein to the contrary, the authority of the Corporation to issue Obligations to finance projects to be undertaken by the Corporation shall expire on April 15, 2012, subject to the determination by the Common Council to extend such authority by resolution duly adopted by the Common Council."

SCHEDULE C

DETAILS OP WRITTEN REPORTS

1. The written reports shall be delivered on the following dates:

- a. October 15. 2010
- b. April 15.2011
- c. October 15.2011
- d. April 15.2012

2. The written reports shall include information on the construction activities relating to each of the projects undertaken by the City of Albany Capital Resource Corporation, such information to be presented on a project and contract basis and shall address the following issues:

- a. Wage rates paid to the construction workers
- b. Use of local labor
- c. Use of local suppliers
- d. Participation by MWBE entities

Council Member Calsolaro made a motion to amend Resolution Number 4.12.10R(As Amended) to add the following and asked for a roll call vote on the amendment.

Mandated hourly compensation.

1. 1. Whenever a recipient of financial assistance from an agency enters into any contract, subcontract, lease, grant, bond, covenant or other agreement for or in connection with any construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration, or improvement work on a project, such project shall be deemed to be a public work for the purposes of article eight of the labor law and all the provisions of such article shall apply to such project, including, but not limited to, the employer's obligation to pay prevailing wages and supplements as established by the commissioner of labor.
2. 2. Notwithstanding the foregoing, an agency may allow employees engaging in any work covered by subdivision 1 of this section to be paid an alternate hourly wage in lieu of the wage set forth in subdivision 1 pursuant to the terms of a project labor agreement. For purposes of this section, a project labor agreement shall mean a pre-hire collective bargaining agreement between a contractor and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for all persons who will perform work on a project financed by the agency, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work.

Commitment to Training and Education

In order to promote apprenticeship training as authorized by Section 816b of the New York State Labor Law, the Corporation will utilize the following resolution regarding Training and Education of construction workers:

Be It Resolved, that “construction contract” shall mean any contract to which the Corporation [or department thereof], shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition, or otherwise providing for any building, facility or physical structure of any kind with an aggregate value in excess of \$50,000; and be it further

Resolved, that “contractor or subcontractor” shall mean a contractor or subcontractor, which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law; and be it further

Resolved, that the City of Albany Capital Resource Corporation hereby requires any contractor, prior to entering into a construction contract with the City of Albany Capital Resource Corporation or a Bond recipient thereof, or any subcontractor entering into a contract with a contractor who has a construction contract with the City of Albany Capital Resource Corporation or bond recipient thereof, to have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor, and that it is further

Resolved, that the City of Albany Capital Resource Corporation shall promulgate such rules and regulations as necessary and appropriate for the implementation and enforcement of any provisions of the resolution; and be it further

Resolved, that this resolution shall apply to construction contracts advertised for bids on or after the effective date; and be it further

Resolved, that if any clause, sentence, paragraph, subdivision, section or part of the resolution or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this resolution, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Note: There was discussion from Council Member Calsolaro regarding not being opposed to the Albany Capital Resource Corporation (CRC) but just asking that labor standards and protections be added for the worker to get paid enough to make a living. He discussed the Industrial Development Agency (IDA) voting on enormous tax breaks with regards to Columbia Development. He discussed that the Columbia Development would be paying around \$400,000 in taxes and that public funds are used for these projects. He discussed the IDA being able to afford to give tax exemptions but not protections for the labor workers.*

There was discussion from Council Member Konev regarding Ulster County being the only county to implement prevailing wages and they suspended the mandate. He discussed that there could be a compromise and that he would like to see more training requirements. He discussed that reporting requirement would allow the Council to see if workers are from the area.

There was discussion from Council Member Smith regarding her support for Council Member Calsolaro’s amendment. She discussed the need for things to be examined with how things are done in the City.

There was discussion from Council Member Fahey regarding people that are living in the City of Albany that are not doing well and that over 40% of children in the City are living in poverty. She discussed that the City IDA should be focused on creating jobs for city residents and she supports the mandate for prevailing wages

and training language. She discussed that the City should set the standard locally to send a message to the State.

There was discussion from Council Member Golby regarding her support for the amendment. She discussed that she is not against the IDA or the CRC and that this is about continuing the fight for people to get paid the wages they deserve. She discussed supporting the reporting requirement and she discussed the Arbor Hill Community Center with relation to IDA funding.

There was discussion from Council Member Conti regarding this being a difficult issue for him. He discussed his support for IDA reform including the amendments. He discussed there being a difference in one) small local entity adopting the proposed provisions vs. the need for a statewide even playing field. He discussed his concern for adopting this amendment that would apply to the CRC and not to the IDA. He discussed revenue from the IDA in 2008 going from \$2 million down to \$500,000 over the past two (2) years. He discussed it was going to be a challenge addressing budget shortfalls in the next budget year. He discussed that he had researched Ulster County and they did suspend the mandate unanimously. He discussed the new IDA board that is more responsive to issues the Council is concerned about and discussed the sunset and reporting requirements in the Planning Committee amendments gives the Council an opportunity to assess the program to help decide what changes would need to be made.

There was discussion from Council Member Herring regarding his opposition to the amendment. He discussed comments that were made regarding that it was the policy of the City that got us in this position, when in fact the State let the IDA legislation lapse. He discussed his support for State legislation on IDA reform. He discussed that the Council can only change Albany's legislation and by doing that is would affect competition with applicants going somewhere else where there is less liability.

There was discussion from Council Member Comisso regarding his support for the amendment. He discussed wanting to create good local jobs but not for people in other states. He discussed getting what you ask for when not-for profits use bottom dollar business. He discussed the Council taking the initiative to find funding for the programs the IDA fees have funded. He discussed not using a bad budget with this particular piece of legislation.

There was discussion from Council Member Igoe on this being a difficult vote and not wanting to be put at a disadvantage with adding the amendments.

There was discussion from Council Member Rosenzweig regarding his opposition to the amendments on the floor. He discussed having looked into the process and with HUD insurance it is guaranteed that prevailing wages would be paid. He had discussion disputing Council Member Calsolaro's comments on IDA tax breaks. He had discussion on what would 16 New Scotland Avenue would be worth to the City of Albany prior to the project.

There was discussion from Council Member Freeman regarding HUD insurance meaning that the Federal Government is involved with projects. He discussed a lot of minority contractors are not labor contractors and PLA's have dominated. He discussed that minority contractors want to participate in projects going on in these communities. He discussed not being in support of the amendment.

There was discussion from Council Member Jenkins-Cox regarding having to start somewhere and thanked Council Member Freeman for his comments. She discussed that she would like to see more diversity in the unions.

There was discussion from Council Member Sano agreeing with Council Members Igoe and Rosenzweig. He discussed this not being a prevailing wage issue and that no guarantees can be made either way. He discussed

this issue needing to be fixed at the State level and that if implementing, would put the City of Albany at an unfair disadvantage. He discussed having to deal with the revenue side of things.

There was discussion from Council Member Calsolaro thanking everyone for the debate.

NOT Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Calsolaro, Commisso, Fahey, Golby, and Smith

Negative – Bailey, Conti, Freeman, Herring, Igoe, Jenkins-Cox, Konev, Rosenzweig, and Sano

Present – O’Brien

Affirmative 5 Negative 9 Abstain 0 Present 1

*Note: The motion to add the amendment failed with the majority of Members voting in the negative. Passage and a roll call vote on Resolution 4.12.10R(As Amended) went as follows:

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

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

Present – O’Brien and Smith

Affirmative 13 Negative 0 Abstain 0 Present 2

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Conti made a motion to reconsider the vote by which Resolution 34.32.10R was passed, which was approved by unanimous voice vote.

Council Member Herring asked for passage of RESOLUTION 34.32.10R (RESOLUTION OF THE COMMON COUNCIL APPOINTING KATHY M. SHEEHAN AS A MEMBER OF THE CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY), which had been previously introduced.

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

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

Affirmative 15 Negative 0 Abstain 0

Council Member Konev stated that he wanted to reiterate his invitation to a rally in support of keeping the Washington Avenue YMCA open that would take place Tuesday evening. He discussed that the 700-new member goal was reached, but YMCA is still being closed.

Council Member Freeman stated that he may be introducing legislation with regards to saving the Schuyler Mansion from closure.

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 March 15th, 2010.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL