

ORDINANCES INTRODUCED

- 17.32.12** AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$450,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$450,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (POLICE VEHICLES)
- 18.32.12** AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$115,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$115,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (POLICE SPECIAL USE VEHICLES)
- 19.32.12** AN ORDINANCE AMENDING ARTICLE XIV (SPECIFIC USE REGULATIONS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NATURAL GAS EXTRACTION

RESOLUTIONS INTRODUCED

**16.32.12R RESOLUTION OF THE COMMON COUNCIL CONGRATULATING
COUNCIL MEMBER BARBARA SMITH FOR HER DESIGNATION AS
ONE OF THE “WOMEN WHO MAKE AMERICA”**

Council Member Sano introduced the following:

Ordinance Number 17.32.12

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$450,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$450,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (POLICE VEHICLES)

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

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

Object or Purpose: Passenger vehicle other than a school bus

Local Finance Law Section 11.00(a) Subparagraph 77

Period of Probable Usefulness: 3 years

Maximum Term of Obligations: 3 years

Maximum Estimated Cost: \$450,000.00

Maximum Amount of Bonds: \$450,000.00

Treasurer's Bond Authorization Numbers: R-12

Treasurer's Project Numbers: GH 31208218

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$450,000.00 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 March 19, 2012 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**APPROVED AS TO FORM
March 8, 2012**

Corporation Counsel

Council Member Sano introduced the following:

Ordinance Number 18.32.12

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$115,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$115,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (POLICE SPECIAL USE VEHICLES)

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

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

Object or Purpose: Passenger vehicle other than a school bus

Local Finance Law Section 11.00(a) Subparagraph 77

Period of Probable Usefulness: 3 years

Maximum Term of Obligations: 3 years

Maximum Estimated Cost: \$115,000.00

Maximum Amount of Bonds: \$115,000.00

Treasurer's Bond Authorization Numbers: S-12

Treasurer's Project Numbers: GH 33108219

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$115,000.00 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 March 19, 2012 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**APPROVED AS TO FORM
March 8, 2012**

Corporation Counsel

Council Member Calsolaro introduced the following:

Ordinance Number 19.32.12

AN ORDINANCE AMENDING ARTICLE XIV (SPECIFIC USE REGULATIONS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NATURAL GAS EXTRACTION

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

Section 1. Article XIV of Chapter 375 of the Code of the City of Albany is hereby amended by adding thereto a new Section 375-112-a to read as follows:

§ 375-112-a. Natural Gas Extraction.

The Common Council of the City of Albany finds, declares and determines that the exploration for natural gas, the extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes in the urban environment of Albany poses a significant threat to its residents' health, safety and welfare. If natural gas exploration or extraction or the storage, transfer, treatment or disposal of natural gas exploration and production wastes were to occur within the City, this activity would endanger the health, safety and welfare of City residents through the deposit of toxins into the air, soil, water, environment and the bodies of residents within the City. Clean air and water are essential to most resources and activities in the Albany area and the quality of the air and the water will be degraded by natural gas exploration and extraction activities and/or the storage, transfer treatment or disposal of natural gas exploration and production wastes and natural gas exploration and extraction activities and the storage, transfer, treatment or disposal of natural gas exploration and production wastes may presently or in the future cause irreparable harm to the City's water supply, pollution of the water, soil and air, and may cause cancer, lung disease and respiratory diseases. This ordinance is not directed at the regulatory scheme for the operation of natural gas wells under the Oil, Gas & Solution Mining Law of New York State. It only addresses land use and nuisance concerns and the protection of the health, safety and welfare of the people of the City of Albany and the enhancement of its physical environment.

- A. "Exploration" shall mean geologic or geophysical activities related to the search for natural gas or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas deposits.
- B. "Natural Gas" shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.
- C. "Natural Gas Exploration and Production Wastes" shall mean any garbage, refuse, sludge, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that results from the exploration, drilling or extraction of natural gas.

- D. No person, firm or corporation shall conduct any exploration for natural gas; drill any well for natural gas; transfer, store, treat, or dispose of natural gas exploration or production wastes; or erect any derrick, building, or other structure or place any machinery or equipment for such purpose within the territorial boundaries of the City of Albany.
- E. The storage, transfer, treatment and/or disposal of natural gas exploration and production wastes are hazardous wastes within the meaning of this Code. No person, firm or corporation shall engage in the storage, transfer, treatment and/or disposal of natural gas exploration and production wastes within territorial boundaries of the City of Albany. No permit issued by any state or federal agency, commission or board to any person, firm or corporation, which would violate the prohibitions of this Ordinance shall be deemed valid within the City of Albany.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
March 8, 2012**

Corporation Counsel

Council Member Fahey introduced the following:

Resolution Number 16.32.12R

RESOLUTION OF THE COMMON COUNCIL CONGRATULATING COUNCIL MEMBER BARBARA SMITH FOR HER DESIGNATION AS ONE OF THE “WOMEN WHO MAKE AMERICA”

WHEREAS, Barbara Smith is a Common Council Member in her 2nd term as representative of Albany’s 4th ward; and

WHEREAS, Hon. Smith’s work on the Council benefitting her constituents is exemplary and has contributed to improvements particularly in the areas of public safety and education; and

WHEREAS, Council Member Smith has expertise in the area of black women’s literature; and

WHEREAS, Council Member Smith was a co-founder in 1980 of Kitchen Table: Women of Color Press, the first U.S. publisher for women of color; and

WHEREAS, Council Member Smith’s work as a publisher of women of color literature is groundbreaking; and

WHEREAS, Council Member Smith has received national designation as one of the “Makers: Women Who Make America”.

NOW, THEREFORE, BE IT RESOLVED, that Albany’s Common Council congratulates Council Member Barbara Smith for her outstanding contributions to both the City of Albany and American culture.

TO: Nala Woodard, City Clerk
FROM: Cathy Fahey, Council Member
RE: Request for Common Council Legislation
Supporting Memorandum
DATE: March 7, 2012

RESOLUTION NUMBER: 16.32.12R

GENERAL PURPOSE OF LEGISLATION: To congratulate Hon. Barbara Smith on her designation as one of the “Women Who Make America”.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: This resolution congratulates Hon. Barbara Smith for her groundbreaking work as the first US publisher of black women’s literature.

FISCAL IMPACT: None.

TO: Nala Woodard, City Clerk
FROM: Council Member Calsolaro
RE: Request for Common Council Legislation
Supporting Memorandum

DATE: March 9, 2012

ORDINANCE NUMBER 19.32.12

TITLE: AN ORDINANCE AMENDING ARTICLE XIV (SPECIFIC USE REGULATIONS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NATURAL GAS EXTRACTION

GENERAL PURPOSE OF LEGISLATION: To amend the zoning code to prohibit the extraction or drilling for natural gas within the City of Albany. It also prohibits the storage of natural gas production waste within the City.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: While the City of Albany does not sit on the Marcellus Shale, it does sit on the Utica Shale. Natural gas extraction would threaten our quality of air, water, and land values. It would reduce the quality of life for all of our residents. Widespread environmental and human health impacts have resulted from natural gas exploration and extraction in other areas. Air, soil, and water contamination may occur during the different stages of natural gas exploration and extraction operations and the storage, transfer, treatment or disposal of natural gas exploration and production wastes, and such contamination could have adverse human health impacts. Spills of liquid and solid wastes that originate from the exploration, drilling and extraction of natural gas (whether onsite or during the transportation of these products to treatment and/or disposal facilities) is not uncommon, and such products may come into contact with and contaminate and pollute groundwater and/or soil. A large percentage of the chemicals used in natural gas exploration and extraction and many of the constituents of natural gas exploration and production wastes are likely causes of adverse human health impacts.

This ordinance supports the policies of the State of New York (1) “to conserve, improve and protect its natural resources and environment and to prevent, abate, and control water, land and air pollution in order to enhance the health, safety and welfare of the people of the State and their overall economic and social well-being (ECL1-0101); and (2) “to reduce or eliminate the use of hazardous substances and the generate of such substances, pollution or waste at the source in order to conserve, improve and protect New York’s environment and natural resources; enhance the health, safety and welfare of its citizens...”

FISCAL IMPACT: None.