

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday July 7, 2014

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, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

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

Council Member Herring led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Jonathan Capra, 847 New Scotland Avenue, Albany, NY (Red Light Cameras);
2. Adam Gorman, 58. S. Swan Street #3, Albany, NY (Parking on S. Swan Street);
3. Vincent Riguso, 13 Beach Avenue, Albany, NY (Building Collapse on Clinton Avenue);
4. Jesse Calhoun, 608 Providence Street, Albany, NY (Red Light Cameras);
5. Daniel Healey, 594 Morris Street, Albany, NY (Red Light Cameras);
6. Robert Porter, 564 Park Avenue, Albany, NY (Red Light Cameras);
7. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Casino/Red Light Cameras/Civic Engagements);

President Pro Tempore Conti made a motion to extend the public comment period for an additional 15 minutes, which was approved by unanimous voice vote.

8. Daniel Plaat, 185 Elk Street, Albany, NY (Red Light Cameras);
9. Sarah D'Angelo, 10 Ten Broeck Place, Albany, NY (Change of Direction of Ten Broeck Place);
10. Gene Solan, 16 Prospect Terrace, Albany, NY (Water Flooding).

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

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Housing and Community Development - Chairperson Bailey stated the committee met on June 25, 2014 to discuss the \$20,000 that was put aside from the Community Development Block Grant (CDBG). The committee gave \$7,500 to the African American Cultural Center, \$5,000 Historic Albany Foundation and \$5,000 to the Baby Institute. The committee discussed changing how and which organizations are selected to receive grant funding. The committee requested information on statistics on the successfulness of the organizations that are awarded CDBG funding.

Finance, Taxation and Assessment - Chairperson Commisso stated that the committee would be meeting on July 9, 2014 and July 16, 2014 to discuss Local Law B-2014, which consolidates personnel, purchasing and assessment.

Planning, Economic Development and Land Use - Chairperson Herring stated that the committee met on July 7, 2014 to discuss Resolution Number 63.61.14R confirming the appointment of Anton Pasquill to the Board of Zoning Appeals, which received a positive recommendation out of committee.

Law, Buildings and Code Enforcement – Chairperson Igoe asked the Legislative Aide, Cashawna Parker to set up a committee meeting to discuss Resolution Number 79.71.14R consenting to the creation of Director in the Department of Buildings and Regulatory Compliance.

CONSIDERATION OF ORDINANCES

Council Member Bailey introduced ORDINANCE NUMBER 40.71.14, which was held:

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO NATIONAL GRID OVER, UPON AND UNDER PORTIONS OF MONTGOMERY AND ORANGE STREETS IN THE CITY OF ALBANY

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

Section 1. It is hereby authorized that the City of Albany grant a permanent easement to National Grid over, upon and under portions of the City right-of-ways known as Montgomery Street and Orange Street, adjacent to 74, 76 and 78 Montgomery Street, 19 Quackenbush Square and 25 Orange Street (Tax Map #s 76.27-1-12.21, 76.27-1-12.22, 76.27-1-13.51, 76.27-1-13.4 and 76.27-1-24), in the City of Albany.)

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

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

Section 4. This ordinance shall take effect immediately.

Council Member Conti moved to amend ORDINANCE NUMBER 29.41.14 and as amended, asked passage and a roll call vote thereon:

AN ORDINANCE AMENDING ARTICLE VII (SMOKING NEAR HEALTH CARE FACILITIES) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SMOKING INSIDE BUS SHELTERS

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

Section 1. Article VII of Chapter 323 is hereby amended to read as follows:

ARTICLE VII

SMOKING NEAR HEALTH CARE FACILITIES AND INSIDE BUS SHELTERS

Section 323-96. Legislative Intent.

The City of Albany Common Council finds that scientific studies have proven that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lungs, larynx, esophagus, mouth, and bladder, and contributes to cancer of the cervix, pancreas, and kidneys. The use of cigars is also known to cause lung, larynx, esophageal, and oral cancer. More than 440,000 people die in the United States from tobacco-related diseases every year, making it the nation’s leading cause of preventable illness. Furthermore, the United States Environmental Protection Agency has found secondhand smoke to be a risk to public health,

and has classified secondhand smoke as a group A carcinogen. Exposure to secondhand smoke is the third leading cause of preventable death in this country.

The City of Albany Common Council further finds that as health care facilities have prohibited smoking in their facilities and directly adjacent to their building doorways, there has been a large increase in people smoking on the public streets and sidewalks adjacent to these facilities. These streets and sidewalks at times are difficult to pass through because of the number of people congregating and the clouds of smoke that fill the air. It has also become unsightly as cigarette butts are thrown all over the ground causing a litter problem in the area. Bus shelters are also being used by smokers as shelters during inclement weather. As the area above the sidewalk is enclosed by the shelter, the smoke is dangerous to those individuals with breathing difficulties.

Section 323-97. Definitions.

Bus Shelter – Any covered structure at a bus stop providing protection against the weather for people waiting for a bus placed upon a sidewalk in the City of Albany.

Health care facility – For purposes of this article, the term “health care facility” shall be deemed to include a hospital as defined in Section 2801 of the Public Health Law and shall also include such facilities related to the hospital as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Public place – Shall mean any place open to the general public including, for example, streets, sidewalks, playgrounds, or bus stops. For sidewalks and driveways, this shall include the curb, or if no curb, the edge of the pavement.

Section 323-98. Smoking Prohibited.

A. It shall be unlawful to smoke or possess burning tobacco, including cigarettes, cigars, pipes, tobacco smoking devices, or any other lighted smoking equipment, upon any public place adjoining a health care facility and inside of any bus shelter.

B. Health care facilities and bus transportation providers shall post “No Smoking” or “Smoke Free” signs, or the international “No Smoking” symbol or both in conspicuous places on their properties sufficient to provide public notice of this prohibition.

Section 323-99. Penalties.

The presence or absence of signs shall not be a defense to a violation of this Article. A person found to be in violation of Section 323-98 is subject to a fine up to fifty ~~three hundred~~ dollars (\$50 ~~\$300~~) per violation.

Section 2. This ordinance shall take effect immediately.

**Note: Council Members Golby and Conti spoke on this ordinance prior to passage.*

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:
Affirmative- Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

The Ordinance was co-sponsored by Council Members Fahey, Golby and Krasher.

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

CONSIDERATION OF RESOLUTIONS

Council Member Golby introduced RESOLUTION NUMBER 76.71.14R, which was held:

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (ITS TRANSIT SIGNAL PRIORITY ON WASHINGTON AND WESTERN AVENUES [P.I.N. 1756.63])

WHEREAS, a Project ITS Transit Signal Priority on Washington and Western Avenues P.I.N. 1756.63 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design

NOW, THEREFORE, the Common Council of the City of Albany, duly convened does hereby

RESOLVED, that the Common Council hereby approved the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$782,000.00 has already been appropriated and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the additional sum of \$8,265,000.00 is hereby appropriated pursuant to Ordinance Nos. 43.52.08, 38.31.10, 39.31.10, 25.31.13, 17.41.14 and 18.41.14 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

Council Member Krasher introduced RESOLUTION NUMBER 77.71.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF AN AGREEMENT UNDER THE GREEN INNOVATION GRANT PROGRAM

WHEREAS, the City of Albany, through the Department of Development and Planning, applied to the New York State Environmental Facilities Corporation (EFC) and was awarded funding under the Green Innovation Grant Program (GIGP) for a grant in an amount up to \$1,795,000 to aid in the design, engineering and reconstruction of a portion of Quail Street in the City of Albany; and

WHEREAS, the Department of Development and Planning was authorized under Resolution 115.122.13R to enter into a contract under the NYS Environmental Facilities Corporation’s GIGP on behalf of the City of Albany; and

WHEREAS, it is desired that the Department of Water and Water Supply be authorized to enter into the contract on behalf of the City of Albany in lieu of the Department of Development and Planning.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner and Deputy Commissioner of the Department of Water and Water Supply are authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Albany’s obligations under the GIGP Grant Agreement.

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

Affirmative- Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

Affirmative 14 Negative 0 Abstain 0

Resolution Number 77.71.14R was co-sponsored by Council Members Golby and Robinson.

Council Member Conti introduced RESOLUTION NUMBER 78.71.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL ESTABLISHING STANDARD WORK DAYS FOR THE COMMON COUNCIL AS REQUIRED BY REGULATION 315.4 OF THE NEW YORK STATE COMPTROLLER EFFECTIVE AUGUST 12, 2009

BE IT RESOLVED, that the Common Council of the City of Albany hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/Month (Based on Record of Activities)
Mayor	Kathy Sheehan	7.5	1/1/14-	N	

			12/31/17		25.50
City Treasurer	Darius Shahinfar	7.5	1/1/14-12/31/17	N	23.34
City Auditor	Leif Engstrom	7.5	1/1/14-12/31/17	N	24.01
Council President	Carolyn McLaughlin	6	1/1/14-12/31/17	N	21.50
Council Member	Ronald Bailey	6	1/1/14-12/31/17	N	18.50
Council Member	Dorcey Applrys	6	1/1/14-12/31/17	N	21.66
Council Member	Frank Commisso, Jr.	6	1/1/14-12/31/17	N	20.44
Council Member	Richard Conti	6	1/1/14-12/31/17	N	24.28
Council Member	Cathy Fahey	6	1/1/14-12/31/17	N	23.42
Council Member	Vivian Kornegay	6	1/1/14-12/31/17	N	18.88
Council Member	Leah Golby	6	1/1/14-12/31/17	N	20.39
Council Member	Mark Robinson	6	1/1/14-12/31/17	N	27.38
Council Member	Judd Krasher	6	1/1/14-12/31/17	N	19.94
Council Member	Jack Flynn	6	1/1/14-12/31/17	N	18.66

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:
Affirmative- Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 14 Negative 0 Abstain 0

Council Member Igoe introduced RESOLUTION NUMBER 79.71.14R, which was held:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF THE POSITION OF DIRECTOR IN THE DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Department of Buildings and Regulatory Compliance require the skills and abilities of a Director.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the creation of a position of Director within the Department of Buildings and Regulatory Compliance.

BE IT FURTHER RESOLVED, that the Common Council consents to the decrease in salary for the position of Commissioner within the Department of Buildings and Regulatory Compliance in order to fund the position of Director.

Council Member Kornegay, on behalf of Council Members Applys and Kornegay, introduced RESOLUTION NUMBER 80.71.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL URGING THE NEW YORK STATE LEGISLATURE TO ENACT ASSEMBLY BILL NO. A.9926/SENATE BILL NO. S.7718 ENTITLED: “AN ACT TO AMEND THE ENVIRONMENTAL CONSERVATION LAW IN RELATION TO GLOBAL FINANCIAL SURETY”

WHEREAS, an amendment to the Environmental Conservation Law of the State of New York has been introduced in the Legislature which would require bulk storage facilities that store crude oil in New York State to provide financial security to meet all responsibilities for cleanup and decontamination costs associated with the release of such oil; and

WHEREAS, the Petroleum Storage Surety bill is in response to recent accidents resulting in substantial financial losses to both public and private entities due to injuries, loss of life, damages and clean up costs, all as a result of explosions and spills from improper handling of volatile and toxic crude oil shipments. Oil companies can declare bankruptcy after a catastrophe, leaving taxpayers saddled with the costs and consequences. In Lac Megantic, the site of a devastating explosion in 2013, it is estimated that the government will spend \$2.7 billion to rebuild the town and another \$200 million to clean up oil-contaminated land, the sewer system and nearby bodies of water; and

WHEREAS, the transport of crude oil by rail has increased exponentially nationwide over the past five years, from over 9,000 carloads of crude oil in 2008 to over 400,000 in 2013, and the need for storage facilities has expanded accordingly. There is a heightened awareness of safety issues related to the transportation and storage of crude oil and the Petroleum Surety bill is one attempt to address the negative impacts of mishandling and improper storage of crude oil. Rail transportation of crude oil is regulated by federal law whereas bulk storage of crude oil is governed by state law. There are millions of gallons of oil arriving daily on oil trains in the Port of Albany; and

WHEREAS, it is necessary that financial surety measures be put in place to ensure that the public is not burdened with the high costs resulting from crude oil accidents. This may include evidence of insurance, a letter of credit, or a bond from a corporate surety licensed to do business in New York State.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany urges the New York State Legislature to enact Assembly Bill No. A.9926/Senate Bill No. S.7718 entitled, “An Act to Amend the Environmental Conservation Law in Relation to Global Financial Surety.”

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assembly Members Patricia Fahey and John T. McDonald III and State Senator Neil Breslin.

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:
Affirmative- Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

Affirmative 14 Negative 0 Abstain 0

Resolution Number 80.71.14R was co-sponsored by Council Members Bailey, Commisso, Conti, Doesschate, Fahey Flynn, Herring, Igoe, Kimbrough, Krasher, O'Brien and Robinson.

Council Member Kornegay on behalf of Council Members Applrys and Kornegay introduced RESOLUTION NUMBER 81.71.14R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING CONGRESSMAN PAUL ONKO'S EFFORTS TO STRENGTHEN U.S. DEPARTMENT OF TRANSPORTATION OVERSIGHT OF CRUDE OIL TRANSPORT THROUGH THE CAPITAL REGION

WHEREAS, the Port of Albany has become a major hub for transporting crude oil, with the capacity to handle 120 carloads every day. This oil then passes through the Hudson Valley adjacent to the Hudson River and numerous towns and villages; and

WHEREAS, Congressman Paul Tonko has called for stronger safety standards for rail transport of crude oil and in a letter to United States Secretary of Transportation Anthony Foxx, called on the U.S. Department of Transportation to take a range of actions to improve rail safety including: adopting the recent National Transportation Safety Board's recommendations to the Federal Railroad Administration that require improved route planning for hazardous materials, rerouting to avoid densely populated and environmentally sensitive areas when possible, response plans for rail carriers to ensure that adequate provisions are in place to respond to worst case spill scenarios, and ensure testing and classification by shippers and rail carriers of their shipments of hazardous materials; moving forward with rule making efforts for improved safety standards for new and existing tank cars; and implementing a 2007 recommendation by the National Transportation Safety Board that would require railroads to share information on the exact location and kinds of hazardous materials with first responders; and

WHEREAS, these measures are necessary to protect not only the citizens of Albany, but the Hudson River and commerce in the region. These shipments are dangerously close to residents, the river, and thousands of employees in downtown Albany. Action is needed immediately as the capacity and importance of the Port of Albany increases.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby supports the efforts of Congressman Paul Tonko in calling for the U.S. Department of Transportation to strengthen safety standards for crude oil transport.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to President Barack Obama, Congressman Paul Tonko and United States Secretary of Transportation Anthony Foxx.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative- Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 14 Negative 0 Abstain 0

Resolution Number 81.71.14R was co-sponsored by Council Members Bailey, Commisso, Conti, Doesschate, Fahey Flynn, Herring, Igoe, Kimbrough, Krasher, O'Brien and Robinson.

Council Member Kornegay on behalf of Council Members Applrys and Kornegay introduced RESOLUTION NUMBER 82.71.14R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL REMEMBERING THE

VICTIMS OF THE JULY 6, 2013 RAIL DISASTER IN LAC-MEGANTIC, QUEBEC

WHEREAS, on July 6, 2013, a train loaded with 72 cars carrying crude oil derailed during the night and exploded in Lac-Mégantic, Quebec. A series of explosions and a fire completely destroyed more than 30 buildings including the municipal library, the town's archives, heritage buildings, businesses and residences. Forty-seven people were killed by the explosion; and

WHEREAS, the accident also destroyed a central water line, forcing the people of Lac-Mégantic to boil their water. It is estimated that 10,000 litres of oil leaked into Mégantic lake and the Chaudière river, a river that crosses Beauce before it enters the St. Lawrence; and

WHEREAS, the people of Lac-Mégantic asked for change so that this type of tragedy did not happen again. They knew the tragedy was the result of a systemic problem: the increasing transport of crude oil next to population centers and environmentally fragile areas relying on safety standards developed decades ago; and

WHEREAS, on November 19, 2013 an oil train derailed in Aliceville, Alabama; on December 30, 2013 an oil train derailed in Casselton, North Dakota; on April 30, 2014 an oil train derailed in Lynchburg, Virginia; on May 9, 2014 an oil train derailed in LaSalle, Colorado; and on May 12, 2014 four Canadian Pacific Railway crude-oil carrying rail cars derailed in Albany, New York's Kenwood Rail Yard. While these derailments and their explosions did not cause the catastrophe and loss of life as the derailment in Canada, the United States government has still not taken action to prevent the loss of life and property that is possible with these derailments.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany pauses in its deliberations to remember the lives lost on July 6, 2013 in Lac-Mégantic, Quebec and declare "Aujourd'hui, nous sommes tous des citoyens de Lac-Mégantic." (Today, we are all citizens of Lac-Mégantic).

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative- Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 14 Negative 0 Abstain 0

Resolution Number 82.71.14R was co-sponsored by Council Members Bailey, Commisso, Conti, Doesschate, Fahey Flynn, Herring, Igoe, Kimbrough, Krasher, O'Brien and Robinson.

Council Member Herring introduced RESOLUTION NUMBER 63.61.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ANTON PASQUILL AS A MEMBER OF THE BOARD OF ZONING APPEALS

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter appointed Anton Pasquill as a member of the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED, that Anton Pasquill is confirmed as a member of the Board of Zoning Appeals to fill an unexpired term, ending December 31st, 2015.

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

Affirmative- Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 14 Negative 0 Abstain 0

Resolution Number 63.61.14R was co-sponsored by Council Member Krasher.

Council Member Kornegay moved to amend RESOLUTION NUMBER 42.52.14R and as amended, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU OF TAXES (PILOT) AGREEMENT WITH HISTORIC PASTURES MANSIONS HOUSING DEVELOPMENT FUND COMPANY, INC. AND HISTORIC PASTURES MANSIONS, LLC

WHEREAS, Historic Pastures Mansions Housing Development Fund Company, Inc. (the "HDFC") is a not-for-profit corporation established pursuant to Section 402 of the New York State Not-For-Profit Corporation Law and Article XI of the New York State Private Housing Finance Law ("PHFL"); and

WHEREAS, the HDFC has been organized exclusively for the charitable purpose of providing housing accommodations to persons and families of low income; and

WHEREAS, Liberty Affordable Housing Inc., a 501(c)(3) not-for-profit corporation is the sole member of the HDFC and is the sole member of Liberty CNY Housing, LLC, the managing member of Historic Mansions Pastures, LLC (the "Company"); and

WHEREAS, the Company's and the HDFC's plan for the use of the properties, which are more particularly identified in Exhibit A, attached hereto and made part hereof, consists of the redevelopment of approximately two-hundred forty six (~~[243]~~ 246) residential rental units in eighty-~~[seven]~~eight (~~[87]~~88) buildings 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 in the City and County of Albany, State of New York (the "Property"); and

WHEREAS, the HDFC is the nominal fee owner of the Property; and

WHEREAS, the HDFC has or will acquire fee title to the Property, as nominee for the Company, and has or will convey its equitable and beneficial interests in the Property to the Company in furtherance of the development of the Project; and

WHEREAS, the HDFC is organized as a "housing development fund company" as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the Common Council 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)]~~ thirty-two (32) 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 of the PHFL for a period of ~~[forty (40)]~~ thirty-two (32) years, including city, county and school taxes, other than assessments for local approvals, and that the Mayor be and 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.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby exempts the Project and the properties, which are more particularly identified in Exhibit A, attached hereto and made part hereof, from real property taxes to the extent authorized by Section 577 of the PHFL and approves the proposed PILOT Agreement by and among the City of Albany, the Company and the HDFC, in substantially the form attached hereto, providing for annual payments as set forth in such agreement.

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

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

Affirmative- Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 14 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority President Herring offered the following, which was approved by unanimous vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2014 AND WAIVE THE READING OF THE NAMES:

1. Dwight Christopher, 17 Hurlbut Street, Albany NY 12209
2. Sala Galloway, 17 Hurlbut Street, Albany NY 12209
3. Rory Dolan, 69 Ten Broeck Street Apt. #3, Albany NY 12210

Council Member Robinson discussed public safety issues and requested to set up a committee to teach officers how to engage with the youth in communities along with how to detain the youth in a safe manner. He discussed an incident that occurred on July 4, 2014 where he intervened to stop a young person who was acting aggressively and how police officers responded with mace in one hand and a Billie club in the other hand. He discussed having 14 new police officers being sworn in and the officers not from Albany. He discussed needing to call the Police Chief to schedule a meeting.

Council Member Krasher circulated a letter from the St. Rose Union negotiation and asked members to respond that have yet to.

Council Member Kornegay agrees with Council Member Robinson with the lack of sensitivity in the police department and was concerned that training at the Police Academy is different than dealing with real people and real life. She discussed her concerns that officers are speaking to the youth in a vulgar and disrespectful manner. There was a discussion on Ordinance Number 38.52.14 on no smoking in parks.

Council Member Golby stated that the committee will be meeting soon to discuss the mid-year budget update and APAC. She stated that Council Member Robinson's issue would fit into one or two of APAC's subcommittees. She discussed officer's interaction with the youth.

Council Member Bailey discussed that during petition time, residents expressed concerns of the lack of sensitivity of police officers and how taking away programs has left the youth with nothing to do. He discussed how public safety has been put on the back burner and that a senior officer should have been on site.

Council President McLaughlin discussed how the police Chief supports community policing but police officers may have another mindset when they are patrolling the streets. She discussed the lack of respect for public officials and the need for people to know who their elected officials are. She stated that a meeting with the Chief should be scheduled as soon as possible. She discussed the need for youth programs that are in place to stay in place and that local businesses are willing to support programs in the community.

ADJOURNMENT

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

A true record of the Common Council Minutes of July 7th, 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL