

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

Monday, July 20, 2009

The Common Council was convened at 7:00 p.m. and was called to order by Council President Morris.

The roll being called, the following answered to their names: Council Members Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith, and Timmons.

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

Council Member Calsolaro led the Pledge of Allegiance.

Council Member Conti made a motion to recess to allow for a presentation regarding Census 2010, which was approved by unanimous voice vote, after which the Council reconvened to continue its regular meeting.

PUBLIC COMMENT PERIOD

1. Fred Boerer, 45 Trinity Pl., Albany, NY 12202 (Resolution 54.52.09R)
2. Ed Falterman, 303 State St., Albany, NY 12210 (Resolution 54.52.09R)
3. Anton Konev, 268 Washington Ave., Albany, NY 12203 (Resolution 54.52.09R)
4. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Various Issues)
5. Grace Nichols, 439 Elk Street, Albany, NY 12206 (Albany Pesticide Ordinance)
6. Alethia Jones, 268 Washington Ave. Apt. 3B, Albany, NY 12203 (Resolution 54.52.09R)
7. George Olouye-Elemboya, 411 Elk St., Apt. 1, Albany, NY 12206 (Resolution 54.52.09R)
8. Vincent Riguso, 13 Beach Ave., Albany, NY 12203 (Oppose Local Law G-2009)

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 January 22, February 2, February 19, March 2, March 16, May 18, and June 1, 2009, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

Council Member Scalzo introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

LOCAL LAW G - 2009

A LOCAL LAW AMENDING PART 22 (ELECTIVE AND APPOINTIVE OFFICERS OF THE CITY OF ALBANY) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SALARIES OF THE COMMON COUNCIL

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

Section 1. Part 22 of Chapter 42 of the Code of the City of Albany is hereby amended to read as follows:

§ 42-263. Annual Salaries; elective officers.

A. The following elective officers of the City of Albany shall receive an annual salary in the following sums, respectively:

Officer	Salary
Mayor	[\$65,000.00] <u>\$135,403.00</u>
[Comptroller] <u>City Auditor</u>	\$45,000.00 <u>\$98,483.00</u>
<u>City Treasurer</u>	\$45,000.00 <u>\$98,483.00</u>
President, Common Council	\$15,000.00
[Alderman,] Common Council <u>Members</u>	[\$9,850.00] <u>\$ 10,000.00</u>

[B. The following elective officers of the City of Albany shall receive an annual salary in the following sums, respectively:

Officer	Salary
Police Justice	\$25,000.00
Justice of the City Court	\$7,500.00
Recorder of Traffic Court	\$7,500.00]

[§ 42-264. Increase in salaries subject to approval of Board of Estimate and Apportionment.

Whenever required by existing provisions of law, the aforesaid increases in salary shall be subject to approval by the Board of Estimate and Apportionment.]

Section 2. Local Law No. 9 of 1984 providing for automatic salary increases in elected officials salaries is hereby repealed.

Section 3. This local law shall take effect January 1, 2010.

Council Member McLaughlin asked for passage of LOCAL LAW E – 2009 (A LOCAL LAW AMENDING ARTICLE III (SENIOR CITIZEN TAX EXEMPTION) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY TO INCREASE THE MAXIMUM INCOME ELIGIBILITY LEVELS IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 467), which had been previously introduced.

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

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O’Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

Council Member McLaughlin asked for passage of LOCAL LAW F – 2009 (LOCAL LAW AMENDING ARTICLE XIII (EXEMPTION FOR DISABLED PERSONS WITH LIMITED INCOMES) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY TO INCREASE THE MAXIMUM INCOME ELIGIBILITY LEVELS IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 459-c), which had been previously introduced.

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

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Fox, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 15 Negative 0 Abstain 0

Council Member Conti made a motion to hold the Local Laws on the pending agenda, which was approved by unanimous voice vote.

REPORTS OF STANDING COMMITTEES

Finance, Taxation and Assessment – Council Member Sano stated that the committee would be meeting on August 12, 2009 to discuss Resolution Number 43.42.09R and Local Law D-2009.

Human Resources and Human Rights – Council Member Casey stated that the Committee met on July 15, 2009 to discuss Resolution 54.52.09R, which was favorably recommended out of committee with two amendments.

REPORTS OF AD HOC COMMITTEES

Council Member Rosenzweig stated that he spoke with the Corporation Counsel's office regarding the status of negotiations with Time Warner Cable. He stated that Time Warner had concerns with the relationship between Albany High School and the AP program with St. Rose College. He stated that a letter would be drafted to address their concerns and would be made available for members to sign on.

CONSIDERATION OF ORDINANCES

Council Member Conti introduced the following, which was held:

Ordinance Number 53.72.09(MC)

AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VI ENTITLED: "PINE BUSH HABITAT RESTORATION PLAN"

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

Section 1. Chapter 251 of the Code of the City of Albany is amended to read as follows:

ARTICLE VI Pine Bush Habitat Restoration Plan

§251-37. Funding

- A. In accordance with DEC Permit # 4-0101-00171/00011, issued on or about June 25, 2009, the City of Albany shall assure dedicated funding for a "Pine Bush Habitat Restoration Plan", as more fully described in such document, which is designed to create 21.26 acres of new wetland, restore 53.10 acres of wetlands and dune barrens and enhance 180.44 acres of existing wetlands/pine barren and forest for a total 254.80 acres.
- B. Annually, the Commissioner of the Department of General Services shall assess and report to the Common Council on the appropriate method of funding the restoration plan. Such report shall assess various funding mechanisms and their efficacy.

- C. The Common Council shall take no action on funding the restoration plan until it shall have first received and considered the recommendations set forth in the report required pursuant to subsection B of this section.

Section 2. This ordinance shall take effect immediately.

Council Member Ellis asked for passage of ORDINANCE NUMBER 50.71.09 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 126 SECOND STREET (TAX MAP #65.52-1-63) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE METROPOLITAN NEW TESTAMENT MISSION BAPTIST CHURCH), which had been previously introduced.

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

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

Council Member Timmons asked for passage of ORDINANCE NUMBER 51.71.09 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 3 OAK STREET (TAX MAP #65.64-7-16) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO EDWARD McADOO), which had been previously introduced.

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

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Herring, Igoe, McLaughlin, O'Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

Council Member Smith moved to amend and as amended, along with Council Members Ellis, Fahey, Calsolaro, Conti, McLaughlin, O'Brien, Sano, Scalzo and Timmons offered the following, asked for passage and a roll call vote thereon:

Resolution Number 54.52.09R (As Amended)

RESOLUTION SUPPORTING IMMIGRANT RIGHTS IN THE CITY OF ALBANY

WHEREAS, the recent tragedy in Binghamton, New York has brought attention to the many challenges that immigrants face, and

WHEREAS, approximately twelve million undocumented immigrants reside in the United States, and many in our own community, and

WHEREAS, many immigrant workers are exploited with sub-standard wages and working conditions, and

WHEREAS, immigrant families, including local families, are living in constant fear of repression, jail, or deportation, and

WHEREAS, we call upon the Federal Government to develop and enforce a comprehensive immigration reform policy which promotes reunification of families, provides a path to earned citizenship, and a plan for current and future immigrant workers, and

WHEREAS, it is not the intent of this body to encourage immigrants to reside in the United States without documentation, however given that this issue exists it is incumbent on municipalities to attempt to deal with the matter as the Federal Government has failed to create a comprehensive reform policy, and

WHEREAS, many new immigrants face structural barriers to resources and services because of lack of language access, and

WHEREAS, we, the City of Albany Common Council find the above conditions deplorable and unjust, and

WHEREAS, Albany is a city built by immigrants and continues to benefit from the economic and cultural contributions of new immigrants.

NOW, THEREFORE, BE IT RESOLVED, that when an immigrant living, visiting and/or working in the City of Albany is not posing a threat to the community, the City of Albany Common Council calls on all state, federal, and local political leaders and agencies to:

- 1) Refrain from all unnecessary measures to jail, detain, or deport documented and undocumented immigrants and their families living in the City of Albany;
- 2) Instruct public safety personnel to refrain from asking people their immigration status, which is a federal matter;
- 3) Support a transparent and equitable legal due process leading to citizenship for all immigrants living in our city;
- 4) Provide equitable language access to all city offices and services;
- 5) Encourage the City of Albany Commission on Human Rights to serve as a vehicle to educate the public about these issues and
- 6) Support a welcoming and compassionate environment for immigrants and their families within our city and its institutions.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the locally elected federal, state, and county officials.

**Note: There was discussion from Council Member Smith regarding statistics of immigrants living in the City of Albany and discussed a 2006 survey regarding increase in violence against immigrants. She discussed various cities around the Country that have similar resolutions. She discussed wanting to clarify that this is not a resolution calling on the police to ignore crimes or violations of the law. She discussed the need to have access*

of information in other languages. She discussed “Sun Down Towns” when she was younger and how it related to discrimination against immigrants.

There was discussion from Council Member Ellis thanking the speakers for their support of this legislation. He discussed the resolution not being a deterrent for police to their job.

There was discussion from Council Member Scalzo thanking the sponsors of this legislation. He discussed that he could speak for Italian Americans struggles.

There was discussion from Council Member McLaughlin supporting this resolution and the City of Albany being the “All American City”. She discussed immigrants that come here to live have contributed to the City. She discussed this not being preferential treatment, but a step in the right direction.

There was discussion from Council Member Calsolaro supporting this resolution and making mention that at Albany High School graduation, there were over 40 different countries represented.

There was discussion from Council Member Fahey discussed the importance of immigrant feeling welcomed here in the City of Albany. She discussed the diversity of her daughter classmates in school. She discussed it being wrong for any resident to live in fear of utilizing services here in the city.

There was discussion from Council Member Rosenzweig regarding initially having reservations about this legislation and thanked Council Member Smith for her clarification. He discussed being a teacher and seeing this resolution as being against immigrant profiling.

There was discussion from Council Member Igoe agreeing with Council Member Rosenzweig and he thanked the speakers for their comments. He discussed change is needed on the Federal level.

There was discussion from Council Member Sano regarding diversity and memories growing up in the City of Albany. He discussed a constituent that was scared to register to vote because of their immigration status. He thanked Council Member Smith and the speakers.

There was discussed from Council Member Smith regarding being glad for the dialog that clarified everyone’s concerns.

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

Affirmative -- Calsolaro, Casey, Conti, Ellis, Fahey, Herring, Igoe, McLaughlin, O’Brien, Rosenzweig, Sano, Scalzo, Smith and Timmons

Affirmative 14 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Conti discussed the pesticide ordinance and stated that he has asked the General Services, Health and Environment Committee to check the status of enforcement of the ordinance. He reminded the Council of the Committee of the Whole on the parking Ticket Investigation meeting noticed for this evening.

Council Member Calsolaro stated the he would like to see no action taken on the Pine Bush Restoration legislation until the pesticide matter is cleared up.

ADJOURNMENT

A motion was made for adjournment.

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

A true record of the Common Council Minutes of July 20th, 2009

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL