

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

Monday, April 20, 2015

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

The roll being called, the following answered to their names: Council Members Applys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and Robinson.

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

Council Member Kimbrough led with the Pledge of Allegiance.

PUBLIC COMMENT

1. Al DeSalvo, Chair of the Planning Board (Support Ordinance 21.32.15 -200 Henry Johnson Boulevard);
2. Judd Feinman, PO Box 11600, Albany, NY (Support Ordinance 21.32.15 -200 Henry Johnson Boulevard);
3. Anton Pasquill, 155 Western Avenue, Albany, NY (Support Ordinance 21.32.15 -200 Henry Johnson Boulevard);
4. Jennifer McElbron, 166 South Manning Boulevard, Albany, NY (Albany Citizens' Police Review Board);
5. Elliott Rosen, 204 Jay Street, Albany, NY (Support Ordinance 21.32.15 -200 Henry Johnson Boulevard).

There being no further speakers, the President declared public commend closed.

CONSIDERATION OF LOCAL LAWS

Council Member Fahey introduced LOCAL LAW G-2015, which was held.

**A LOCAL LAW AMENDING ARTICLE XLI (GENERAL PROVISIONS) OF PART 30
(PARKS AND RECREATION PLANNING COMMISSION) OF THE CODE OF THE CITY OF
ALBANY**

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

Section 1. Article XLI of Part 30 of the Code of the City of Albany is hereby repealed in its entirety and a new Article XLI is hereby enacted to read as follows:

**ARTICLE XLI
GENERAL PROVISIONS**

§ 42-316. Legislative intent; purpose.

The Common Council recognizes and finds that the development of a long-term plan for the utilization of Albany's park and recreational facilities is a valuable tool for using limited tax dollars to their best advantage and for identifying and leveraging additional funds from other sources. The purpose of the Commission created hereby is to seek the involvement and input of the general public, as well as the many recreational service providers and interested organizations in and around the City of Albany.

§ 42-317. Establishment of Parks and Recreation Planning Commission.

The Common Council hereby establishes the Parks and Recreation Planning Commission. The Commission shall serve as an advisory body in developing a comprehensive five-year plan for the City's parks and recreation programs. The Commission will expire 12 months from the date of its creation or when the final report is completed and submitted to the Common Council and the Mayor.

§ 42-318. Membership; term; vacancies.

- A. The Parks and Recreation Planning Commission shall be composed of seven voting members: three appointed by the Mayor; and four appointed by the Common Council. The members shall be residents of the City of Albany who possess an interest in Albany's parks and/or recreation services and have a time commitment to serve. The members shall be broadly representative of the City's residents, including the population's characteristics and geographic distribution and shall serve without compensation. Organizations with an interest in City recreational planning, including neighborhood associations, school groups, social welfare agencies and senior citizen organizations shall be encouraged to submit nominees for appointment. Individuals also will be encouraged to submit names for consideration.
- B. The members shall be appointed for the duration of the Commission's existence. Vacancies shall be filled in the same manner as the original appointment.
- C. The Common Council will designate one of the voting members as Chairperson.
- D. There shall also be six ex officio members of the Commission who shall be the City Commissioner of Recreation or designee, the Commissioner of General Services or designee, the Director of Planning or designee, the Superintendent of the City School District of Albany or designee and two members of the Common Council to be appointed by the Common Council President. Ex officio members shall serve without vote and provide the citizen members with information and advice as to the City's present and anticipated capabilities, resources and priorities concerning parks management, programs and strategies.

§ 42-319. Powers and duties.

- A. The Commission shall provide an opportunity and forum for public involvement and perspective in developing short- and long-term recommendations for park improvements and recreational activities. The Commission shall have the authority to form committees and to hold public hearings.
- B. The short-term goals of the Commission shall include:

1. Completing an inventory and evaluation of park and playground facilities and recreational services available to City residents, including those owned or funded by the City, reviewing and evaluating park maintenance and forestry standards and practices;
 2. An analysis of the use of existing parks by residents and the parks and recreational programs within each ward;
 3. Reviewing and evaluating annual operating budget and capital improvement budget.
- C. A written report of the Commission's findings in these regards shall be submitted to the Mayor and Common Council within seven months of the Commission's creation.
- D. Upon completing the evaluations, the Commission shall develop a comprehensive, long-term plan for the City parks and recreational services to be submitted to the Common Council for approval. The plan shall include:
1. Findings from the outreach efforts conducted by the Commission;
 2. Recommendations for maintenance and forestry standards;
 3. Establishing goals for use of parkland in the City of Albany;
 4. Recommendations for establishing a permanent Parks and Recreation Citizens Advisory Commission;
 5. A phased implementation list for park and recreational improvements that will be prioritized based on project feasibility.
 6. Suggestions for improvements to existing parks and programs and the cost associated with such improvements along with suggestions on reducing expenses;
 7. Any other item related to parks and recreation development, planning or programming which may be referred to the Commission by the City Council or the Mayor or any park policy matter of concern to a Commission member or the community.

Section 2. Notwithstanding any inconsistent provision of law or the Albany City Charter to the contrary, any actions taken by the Parks and Recreation Planning Commission, as established by Ordinance 42.81.14 adopted on or about December 15, 2014, on or before the effective date of this Local Law are hereby confirmed and ratified and shall be deemed valid actions. Such Parks and Recreation Planning Commission shall cease to exist upon the taking effect into law of this Local Law, provided that any members shall continue to hold office under the provisions of this Local Law under the same terms and conditions of their previous appointments.

Section 3. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

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

REPORTS OF STANDING COMMITTEES

Planning, Economic Development and Land Use – Chairperson Herring reported that the committee met on April 16, 2015 to discuss Local Law E-2015 in relation to establishing a commission on municipal internet services. He stated that there was good discussion and the legislation was held for further consideration.

Finance, Taxation and Assessment – Chairperson Commisso stated that the committee met on April 15, 2015 to discuss various bond ordinances, which were reported out of committee with favorable recommendations and will be up for consideration this evening.

CONSIDERATION OF ORDINANCES

President Pro Tempore Conti asked and received majority consent to add Ordinance Numbers 37.32.15 and 38.32.15 to the pending agenda which was approved by unanimous voice vote.

Council Member Robinson introduced ORDINANCE NUMBER 37.32.15 (MC), which was referred to the Public Safety Committee.

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 USE OF POLICE VIDEO CAMERAS

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

Section 1. Chapter 42, Article XI of the Code of the City of Albany is amended by adding thereto a new Section 42-73 entitled “Police Department Video Camera Use and Reporting” to read as follows:

§ 42-73. Police Department Video Camera Use and Reporting.

- A. Video cameras issued to police officers or installed on police vehicles shall be used to record any interaction with the public and shall continue to record until the entire interaction is over. Individuals can require that any officer turn on the camera if not already turned on.
- B. Video cameras shall not be used to record in places where a reasonable expectation of privacy exists, such as in a restrooms, unless there is an emergency situation or a crime is being committed. Officers shall ask permission to film before entering a private home or apartment for interviews.
- C. A supervisor must approve any request to turn off a camera and this request, along with the reason, shall be documented.
- D. The Chief of Police shall submit to the Common Council on a quarterly basis, based on the calendar year, a report of the number of times cameras have been turned off and a summary of the reasons the request was approved.

Section 2. This ordinance shall take effect immediately.

Council Member Kornegay introduced ORDINANCE NUMBER 38.32.15 (MC), which was referred to the Public Safety Committee

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 DEPARTMENT STATISTICS

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

Section 1. Chapter 42, Article XI of the Code of the City of Albany is amended by adding thereto a new Section 42-74 entitled, “Police Department Statistics” to read as follows:

Section 42-74. Recording of information.

- A. The City of Albany Police Department, using a form to be developed in consultation with the Civilian Police Review Board, shall record and retain the following information:
1. The number of persons stopped for traffic violations and the number of persons patted down, frisked, and searched;
 2. The characteristics of race, color, ethnicity, gender and age of each such person, provided the identification of such characteristics shall be based on the observation and perception of the officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped;
 3. If a vehicle was stopped, the number of individuals in the stopped motor vehicle;
 4. The basis for the conduct that resulted in the individual being stopped and frisked or searched, the alleged violation that resulted in the individual being stopped, or nature of the alleged traffic violation that resulted in the stop;
 5. Whether a search was conducted and, if so, the result of the search;
 6. If a search was conducted, whether the search was of a person or the person’s property, and whether the search was conducted pursuant to consent and if not, the basis for conducting the search including any alleged criminal behavior that justified the search;
 7. Whether a warning citation was issued;
 8. Whether an arrest was made and for what charge;
 9. The approximate duration of the stop; and
 10. The time and location of the stop.
- B. The police department shall compile the information set forth in this section for the calendar year into a report to the Common Council. The data shall be provided on a city-wide, ward-wide, and month-by-month basis. The report shall be submitted no later than March 1 of each year.

Section 2. This ordinance shall take effect immediately.

Council Member Commisso moved to amend ORDINANCE NUMBER 14.32.15 and as amended asked for passage and a roll call vote thereon:

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$100,000.00 AND AUTHORIZING

THE ISSUANCE OF \$100,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ENERGY CONSERVATION)

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: Additions to or conversion of buildings.

Local Finance Law Section 11.00(a) Subparagraph 12(2)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: ~~\$700,000.00~~ \$100,000.00

Maximum Amount of Bonds: ~~\$700,000.00~~ \$100,000.00

Treasurer's Bond Authorization Numbers: E-15

Treasurer's Project Numbers: GH 14408505

Section 2. The plan of financing such objects or purposes is the issuance of \$100,000.00 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 therefore. 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 March 16, 2015 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

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

Affirmative – Applyrs, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Commisso asked for passage of ORDINANCE NUMBER 17.32.15 (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

(REPLACEMENT EQUIPMENT – POTHOLE PATCHER), which had been previously introduced.

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

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Commisso asked for passage of ORDINANCE NUMBER 21.32.15 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$250,000.00 AND AUTHORIZING THE ISSUANCE OF \$250,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (200 HENRY JOHNSON BOULEVARD), which had been previously introduced

**Note: Council Members Commisso, Doesschate, Krasher, Fahey, Robinson, Conti, Golby, Bailey and Igoe spoke on this ordinance prior to passage.*

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

Affirmative – Applyrs, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay and Robinson

Negative – Bailey, Commisso and Krasher

Affirmative 11 Negative 3 Abstain 0

Council Member Commisso asked for passage of ORDINANCE NUMBER 22.32.15 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,250,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,250,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (RENOVATIONS TO CITY BUILDINGS), which had been previously introduced

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

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Commisso moved to amend ORDINANCE NUMBER 23.32.15 and as amended, asked for passage and a roll call thereon:

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$150,000.00 AND

AUTHORIZING THE ISSUANCE OF \$150,000.00 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(c)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$200,000.00 \$150,000.00

Maximum Amount of Bonds: \$200,000.00 \$150,000.00

Treasurer's Bond Authorization Numbers: S-15

Treasurer's Project Numbers: GH 14408519

Section 2. The plan of financing such objects or purposes is the issuance of \$150,000.00 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 therefore. 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 or 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 16, 2015 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

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

Affirmative – Applyrs, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Commisso asked for passage of RODINANCE NUMBER 24.32.15 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$150,000.00 AND AUTHORIZING THE

ISSUANCE OF \$150,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (NORMANSKILL FARM IMPROVEMENTS)), which had been previously introduced

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

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

Ordinance Number 24.32.15 was co-sponsored by Council Members Applyrs and Fahey.

Council Member Commisso asked for passage of ORDINANCE NUMBER 27.41.15 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$100,000.00 AND AUTHORIZING THE ISSUANCE OF \$100,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ASBESTOS ABATEMENT)), which had been previously introduced.

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

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Commisso asked for passage of ORDINANCE NUMBER 28.41.15 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$800,000.00 AND AUTHORIZING THE ISSUANCE OF \$800,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY HALL IMPROVEMENTS)), which had been previously introduced.

**Note: Council Member Commisso spoke on this ordinance prior to passage.*

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

Affirmative – Applyrs, Bailey, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay and Robinson

Negative – Commisso and Krasher

Affirmative 12 Negative 2 Abstain 0

Council Member Commisso asked for passage of ORDINANCE NUMBER 29.41.15 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$315,000.00 AND AUTHORIZING THE

ISSUANCE OF \$315,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (REPLACEMENT VEHICLES AND EQUIPMENT)), which had been previously introduced

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

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

Council Member Bailey introduced RESOLUTION NUMBER 20.42.15R, asked for passage and a roll call vote thereon:

A RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE ALBANY HOUSING AUTHORITY AND CSEA, LOCAL 1000 AFSCME, AFL-CIO

RESOLVED, that pursuant to Section 32, of Article 3, of the New York State Public Housing Law, for the purpose of fixing compensations, the Albany Housing Authority is hereby authorized and empowered to execute a collective bargaining agreement with CSEA, Local 1000 AFSCME, AFL-CIO, Albany Housing Authority Unit, Albany County Local 801, together with such other forms necessary to effectuate the purposes thereof.

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

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Golby introduced RESOLUTION NUMBER 21.42.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL PROCLAIMING MAY 2015 AS BIKE MONTH IN THE CITY OF ALBANY

WHEREAS, in 2009, the City of Albany, in partnership with the Capital District Transportation Committee (CDTC) completed a Bicycle Master Plan identifying a network of bicycle routes to improve cycling as a viable mode of transportation throughout the City; and

WHEREAS, in April 2012, the Albany Common Council adopted the “Albany 2030” Comprehensive Plan which supports promoting and implementing the Bicycle Master Plan; and

WHEREAS, the growing network supports a safe and healthy transportation alternative that is paramount to achieving sustainability and enhancing the quality of life in the City; and

WHEREAS, in 2013 the Albany Common Council adopted a Complete Streets Ordinance and the Albany Police Department convened a Traffic Safety Stakeholders' Committee that is continuing to work and focus on Engineering, Education and Enforcement efforts to promote safer streets for all users of the road; and

WHEREAS, in partnership with CDTC a Complete Streets Guidebook is being drafted, as required by the Complete Streets ordinance; and

WHEREAS, since the inception of the Bicycle Master Plan in 2008, the City of Albany has added or improved 17.4 miles of bicycle infrastructure, which includes multi-use paths, shared use markings (sharrows), signage, and bike lanes throughout the City of Albany; and

WHEREAS, the number of bike racks in Albany have increased to 344 throughout the city with an estimated total of 1446 bicycle parking spaces, all regular route Capital District Transportation Authority buses are equipped with bike racks; and

WHEREAS, each year the League of American Bicyclists (LAB) recognizes bicycle friendly communities with Platinum, Gold, Silver and Bronze level awards, and recognizes communities that are on the right track with Honorable Mention. The City of Albany received Honorable Mention in 2012 as a "Bicycle Friendly Community" from LAB for efforts to become more bicycle friendly. LAB feedback report stated that they were, "...impressed with the growing commitment to make Albany, NY a great place for bicyclists. The Honorable Mention given by the reviewers reflects their view that some of the key building blocks of creating a Bicycle Friendly Community are in place..." and

WHEREAS, the LAB feedback report provided numerous recommendations to the City of Albany to make the city more bicycle friendly such as promoting active transportation by reducing traffic speeds, providing "protected bicycle infrastructure, such as cycle tracks, buffered bike lanes or parallel shared use paths" along arterial and collector roads, making intersections safer for bicyclists, and more; and

WHEREAS, in 2014, CDTC implemented the first region-wide "Bike to Work Day Workplace Challenge" where 350 people registered for bike to work day across the region, amounting to over 3,500 bicycle miles, replacing about 148 gallons of fuel, 2,900 lbs. of CO₂, and burning about 159,000 calorie. And, the City of Albany Employees team won in Albany County for having the most riders participate; and

WHEREAS, the Mayor's Office of Energy & Sustainability was established in 2010 to coordinate energy conservation and efficiency initiatives among the municipal departments and to drive community wide efforts to become a more livable and sustainable city, which includes promoting and supporting bicycling and other active transportation. The office's website is www.albanysustainability.org; and

WHEREAS, in 2011, the Albany Common Council, recognizing the Livingston Avenue Bridge's potential to connect a growing network of statewide multi-use trails, including the New York State Canalway Trail, the Albany County Rail Trail, and the proposed Rensselaer County Trail, passed a resolution urging State and Federal partners to re-establish the Livingston Avenue Bridge walkway at such time that the bridge is replaced and

WHEREAS, the League of American Bicyclists, the New York Bicycling Coalition, Capital Coexist, the Albany Police Department, the Albany Bicycling Coalition, and others are promoting greater public awareness of bicycle operation and safety education in an effort to reduce crashes, injuries and fatalities for all; and

WHEREAS, the Albany Police Department will participate in "Bike to School Day" and bike rodeos across the city along with the Police Athletic League; and

WHEREAS, Section 152 of the New York State Traffic Law defines “traffic” as “Pedestrians...vehicles, bicycles and other conveyances either singly or together while using any highway for the purpose of travel;” and

WHEREAS, in summary, three key components of the New York State Traffic Law that relate to bicycling are:

- Bicyclists must ride with traffic and thus travel in the same direction as motor vehicles.
- A bicycle is a vehicle and as such must observe all traffic laws and obey all signals, signs, and pavement markings.
- Bicyclists must signal to turn on a roadway, a bike lane or bike path; and

WHEREAS, there are numerous events to promote bicycling, including: The Earth Day lunch time bike parade on April 22nd, The CDTC “Commuter Workshop” on Thursday April 30th, The Albany Bike Expo 2015 on Sunday, May 3rd, Bike to School Day on May 6th, National Bike-to-Work Day and the Capital Moves Bike to Work Challenge on May 15th, and The Ride of Silence on May 20th;

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council hereby proclaims May 2015 as Bike Month in the City of Albany, urges all motorists and bicyclists to follow New York State’s Vehicle and Traffic Law, and share the road respectfully and responsibly.

**Note: Council Member Golby spoke on this resolution prior to passage.*

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

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, Kornegay and Robinson

Affirmative 14 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority Leader Herring offered the following, which was adopted by unanimous voice 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, 2016, AND WAIVE THE READING OF THE NAMES:

1. Luanne Nicholson, Albany County Clerk’s Office, 16 Eagle Street – Room 128 Albany, NY 12207
2. Alexis Evans Gomes, Albany City Clerk’s Office, 24 Eagle Street – Room 202 Albany, NY 12207
3. Ronald J. Galinski, NYS Civil Service Department, Alfred E. Smith Bldg. Albany NY 12239

Council President McLaughlin wished the City Clerk, Nala Woodard a happy birthday.

ADJOURNMENT

A motion was made to adjourn.

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

A true record of the Common Council Minutes of April 20th, 2015.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
COMMON COUNCIL