

# **ALBANY COMMON COUNCIL MINUTES OF A SPECIAL MEETING**

**Thursday, February 20, 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 Appllys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

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

Council Member Conti led the Pledge of Allegiance.

## **PUBLIC COMMENT PERIOD**

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

## **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

President Pro Tempore Conti made a motion to approve the minutes of the January 6, 2014 organizational and regular meetings, which was approved by unanimous voice vote.

## **CONSIDERATION OF LOCAL LAWS**

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

## **REPORTS OF STANDING COMMITTEES**

**Public Safety** – Chairperson Golby stated that the committee met to discuss Resolution 15.21.14R appointing Warren W. Abriel, Jr. Chief of the Department of Fire, Emergency and Building Services, which was reported out of committee favorably. The committee also discussed diversity within the department and rail safety with the candidate.

**Finance, Taxation and Assessment** – Chairperson Commisso stated that the committee would need to schedule a meeting to fill vacancies on the Board of Assessment Review.

**General Services, Health and Environment** – Chairperson O'Brien stated that the committee met on February 6, 2014 to discuss Resolution 9.12.14R appointing Joseph E. Coffey, Jr. Commissioner of the Department of Water and Water Supply, which was referred out of committee with a favorable recommendation.

**Planning, Economic Development and Land Use** – Chairperson Herring stated that the committee met on February 12, 2014 to interview applicants to the Albany Industrial Development Agency/Capital Resource Corporation. The committee selected Dominick Calsolaro to fill the vacancy.

**Housing and Community Development** – Chairperson Bailey stated that the committee would be meeting on February 24, 2014 to discuss the Community Development Block Grant with Commissioner Michael Yevoli and Faye Andrews.

## **CONSIDERATION OF ORDINANCES**

**Council Member Kimbrough introduced ORDINANCE NUMBER 2.23.14, which was referred to the Planning, Economic Development and Land Use Committee:**

**Ordinance Number 2.23.14**

**AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 93 (AKA 95) AND REAR 93 LIVINGSTON AVENUE FROM COMMERCIAL OFFICE DISTRICT (C-O) TO ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) AND AMENDING THE ZONING MAP ACCORDINGLY**

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

Section 1. Chapter 375 of the Code of the City of Albany (Zoning) and the Official Zoning Map are hereby amended to change the zoning classifications of 93 (aka 95) and Rear 93 Livingston Avenue from Commercial Office District (C-O) to One- and Two-Family Row House Residential District (R-2C), said properties being more particularly described as follows:

All that parcel of land situated in the City of Albany, County of Albany and State of New York, identified on the tax map as follows:

Parcel 1  
Section: 65.19  
Block: 1  
Lot: 4

Said premises more commonly known as 93 (aka 95) Livingston Avenue measuring 82.00' by 91.00'

Parcel 2  
Section: 65.19  
Block: 1  
Lot: 3

Said premises more commonly known as Rear 93 Livingston Avenue measuring 91.00' by 135.00'

Section 2. The Council finds and declares that this action is an "Unlisted" action under Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and directs that coordinated review be conducted for the determination and establishment of Lead Agency.

**Section 3. This Ordinance shall take effect immediately.**

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

**CONSIDERATION OF RESOLUTIONS**

**Council Member Igoe introduced RESOLUTION NUMBER 17.23.14R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CITY OF ALBANY IN ITS GRANT APPLICATION TO THE HUDSON RIVER VALLEY GREENWAY FOR FUNDING UNDER THE GREENWAY COMMUNITIES GRANT PROGRAM**

WHEREAS, the City of Albany Department of Development and Planning, in partnership with the Buckingham Pond Conservancy, is applying to the Hudson River Valley Greenway for a grant under the Greenway Communities Grant Program for a project entitled the Natural Resource Inventory of Buckingham Pond to be located in the City of Albany; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval and

endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application for a grant under the Greenway Communities Grant Program, for a project known as the Natural Resource Inventory of Buckingham Pond to be located within the City of Albany.

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

**Affirmative 14 Negative 0 Abstain 0**

**Council Member Herring introduced RESOLUTION NUMBER 18.23.14R, which was referred to the Planning, Economic Development and Land Use Committee:**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE AMENDMENT OF THE CITY OF ALBANY CAPITAL RESOURCE CORPORATION’S CERTIFICATE OF INCORPORATION AUTHORIZING THE CONTINUATION OF THE AUTHORITY OF THE CITY OF ALBANY CAPITAL RESOURCE CORPORATION TO ISSUE OBLIGATIONS TO FINANCE PROJECTS TO BE UNDERTAKEN BY THE CORPORATION**

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

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

WHEREAS, the City of Albany Common Council authorized the Agency to form the City of Albany Capital Resource Corporation (“CRC”) in accordance with Section 1411 of the New York State Not-For-Profit Corporation Law (the “NFPCL”) by resolution at the public meeting held on March 15, 2010; and

WHEREAS, since the creation of the CRC in 2010 the CRC has assisted not-for-profit corporations with projects that have furthered its stated goals such as: (1) relieving and reducing unemployment, (2) promoting and providing for additional and maximum employment, (3) bettering and maintaining job opportunities, (4) instructing or training individuals to improve or develop their capabilities for such jobs, (5) carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry in the community or area and (6) lessening the burdens of government and acting in the public interest; and

WHEREAS, the Common Council recognizes the benefits the CRC has been able to foster in the City of Albany since its creation.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council consents to the amendment of the CRC’s certificate of incorporation authorizing the continuation of the authority of the CRC to issue obligations to finance projects to be undertaken by the CRC in accordance with Section 1411 of the NFPCL for an additional two years expiring on April 15, 2016.

RESOLVED, that paragraph Seventeenth of the Certificate of Incorporation of the CRC shall be amended and such paragraph shall read as follows:

“SEVENTEENTH: Notwithstanding anything herein to the contrary, the authority of the Corporation to issue Obligations to finance projects to be undertaken by the Corporation shall expire on April 15, 2016, subject to the determination by the Common Council to extend such authority by resolution duly adopted by the Common Council.”

**RESOLVED, that this resolution shall take effect immediately.**

**Council Member Kimbrough introduced RESOLUTION NUMBER 19.23.14R, asked for passage and a roll call vote thereon:**

**Resolution Number 19.23.14R**

**RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 93 (AKA 95) AND REAR 93 LIVINGSTON AVENUE**

WHEREAS, Ordinance 2.23.14 was introduced by the City of Albany Common Council on February 20, 2014, which proposed rezoning the properties located at 93 (aka 95) and Rear 93 Livingston Avenue from Commercial Office District (C-O) to One- and Two-Family Row House Residential District (R-2C), and

WHEREAS, the City of Albany has received a Full Environmental Assessment Form (FEAF), in conjunction with said proposed rezoning; and

WHEREAS, the action is preliminarily classified as an Unlisted action and is subject to the provisions of the State Environmental Quality Review Act (“SEQRA”), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the Common Council is the most involved agency and, as such, is the most appropriate Lead Agency to conduct a review of the plan in accord with SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed rezoning the properties located at 93 (aka 95) and Rear 93 Livingston Avenue and hereby declares itself lead agency pursuant to and under SEQRA.

RESOLVED, that this resolution shall take effect immediately.

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

**Affirmative 14 Negative 0 Abstain 0**

**Council Member Conti introduced RESOLUTION NUMBER 20.23.14R, which was held:**

**RESOLUTION CONGRATULATING DAVID ALAN MILLER ON WINNING A GRAMMY AWARD AT THE 56<sup>th</sup> ANNUAL GRAMMY AWARDS**

WHEREAS, it is the sense of this Council to recognize and commend those individuals of commitment and high achievement whose purpose and endeavor have been dedicated to the pursuit of excellence; and

WHEREAS, Albany Symphony Orchestra conductor and music director, David Alan Miller, took home his first Grammy award for Best Classical Instrumental Solo for John Corigliano's *Conjuer*, a percussion concerto that featured Dame Evelyn Glennie as the soloist; and

WHEREAS, Miller attended the Grammy's in Los Angeles to accept the award in person. During his speech he thanked John Corigliano for writing such great music, Evelyn Glennie for playing so beautifully and the Albany Symphony Orchestra musicians who believe that "the best music of our time deserves its place in the center of our repertoire;" and

WHEREAS, the Albany Symphony Orchestra is one of Albany's most revered music and cultural institutions and is known for its brilliant live performances, adventurous programming and recording projects, innovative educational initiatives and engaging cultural events; and

WHEREAS, David Alan Miller is regarded as one of the leading champions and interpreters of new American music of his generation and has led the orchestra as Music Director since 1992.

NOW, THEREFORE, BE IT RESOLVED, that this Council congratulates David Alan Miller on this accomplishment and thanks him for his contributions to the Albany Symphony Orchestra and the great benefit this institution brings to the City.

BE IT FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed be transmitted to David Alan Miller and the Albany Symphony Orchestra.

**Council Member O'Brien introduced RESOLUTION NUMBER 21.23.14R, which was referred to the General Services, Health and Environment Committee:**

**RESOLUTION OF THE COMMON COUNCIL ADOPTING THE SOLID WASTE MANAGEMENT PLAN AND AMENDED STATEMENT OF FINDINGS UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) IN CONNECTION WITH THE SOLID WASTE MANAGEMENT PLAN FOR THE CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP PLANNING UNIT**

WHEREAS, on June 25, 2009, the New York State Department of Environmental Conservation (DEC) issued to the City of Albany, permit # 4-0101-00171/00011 for the purpose of operating and expanding the landfill beyond its current capacity; and

WHEREAS, Special Condition 26(b) of the Permit calls for the Capital Region Solid Waste Management Partnership Planning Unit to have a new long term Solid Waste Management Plan (SWMP) in effect by January 1, 2011; and

WHEREAS, the Common Council had received a long form Environmental Assessment Form (EAF), as well as a Draft Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership Planning Unit; and

WHEREAS, the Council had reviewed the EAF and Draft Solid Waste Management Plan and determined to conduct a coordinated review among all involved agencies; and

WHEREAS, the Common Council passed a resolution on July 17, 2010 declaring itself Lead Agency in accordance with SEQRA regulation 6 NYCRR 617.6 (4); and

WHEREAS, the Common Council as designated lead agency issued a positive declaration requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS) in accordance with 6 NYCRR 617.7(a); and

WHEREAS, the Common Council passed a resolution on October 4, 2010 declaring the DGEIS complete and adequate for public review in accordance with SEQRA regulations 6 NYCRR 617.9 (a), and establishing a 45 day public comment period during which written comments were submitted; and

WHEREAS, a public hearing was held pursuant to the provisions of 6 NYCRR 617.12 on October 25, 2010; and

WHEREAS, written comments regarding the DGEIS were accepted until November 19, 2010; and

**President Pro Tempore Conti asked and received majority consent to add Resolution Numbers 22.23.14R, 23.23.14R and 24.23.14R to the pending agenda, which was approved by unanimous voice vote:**

**Council Member Commisso introduced RESOLUTION NUMBER 22.23.14R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL APPOINTING JAMES P. SANO AS A MEMBER OF THE BOARD OF ASSESSMENT REVIEW**

**RESOLVED**, that James P. Sano is hereby appointed as a member of the Board of Assessment Review to fill an unexpired term ending September 30, 2017.

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

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

Negative – Bailey

Present – Krasher

**Affirmative 12 Negative 1 Abstain 0 Present 1**

*Resolution Number 22.23.14R was Co-Sponsored by Council Member Conti.*

**Council Member Fahey introduced RESOLUTION NUMBER 23.23.14R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL APPOINTING DOMINICK CALSOLARO AS A MEMBER OF THE CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY AND THE CAPITAL RESOURCE CORPORATION**

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

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany, duly convened does hereby appoint Dominick Calsolaro as a member of the City of Albany Industrial Development Agency and the Capital Resource Corporation.

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

*\*Note: Council Members Robinson, Fahey and Golby spoke on this resolution prior to passage.*

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

Affirmative – Applrys, Conti, Doesschate, Fahey, Golby, Igoe, Kimbrough, O’Brien, and Robinson

Negative – Bailey, Commisso, Flynn and Herring

Present – Krasher

**Affirmative 9 Negative 4 Abstain 0 Present 1**

*Resolution Number 23.23.14R was co-sponsored by Council Members Applrys, Golby, Kimbrough, O’Brien and Robinson.*

**Council Member Conti introduced RESOLUTION NUMBER 24.2314R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CITY OF ALBANY IN ITS APPLICATION FOR DESIGNATION AS A PRESERVE AMERICA COMMUNITY**

WHEREAS, Preserve America is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation’s past, strengthened regional identities and local pride, increased local participation in preserving the country’s irreplaceable cultural and natural heritage assets and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community’s interests and goals related to historic preservation; and

WHEREAS, designation as a Preserve America Community will improve our community’s ability to protect and promote its historical resources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany will apply for the designation of Albany as a Preserve America Community.

BE IT FURTHER RESOLVED, that the City of Albany will protect and celebrate our heritage, use our historic assets for economic development and community revitalization and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

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

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

**Affirmative 14 Negative 0 Abstain 0**

*Resolution Number 24.23.14R was co-sponsored by Council Members Applrys, Bailey, Commisso, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, O'Brien and Robinson.*

**Council Member Golby asked for passage of RESOLUTION NUMBER 15.21.14R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF WARREN W. ABRIEL, JR. AS THE CHIEF OF THE DEPARTMENT OF FIRE, EMERGENCY AND BUILDING SERVICES), which had been previously introduced.**

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

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

**Affirmative 14 Negative 0 Abstain 0**

*Resolution Number 24.23.14R was co-sponsored by Council Member Krasher.*

**Council Member O'Brien asked for passage of RESOLUTION NUMBER 9.12.14R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JOSEPH E. COFFEY, JR. AS THE COMMISSIONER OF THE DEPARTMENT OF WATER AND WATER SUPPLY), which had been previously introduced.**

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**  
Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, 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 Leader Herring offered the following, which was approved 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, 2014, AND WAIVE THE READING OF THE NAMES:**

1. Anjeza Potka, Albany Housing Authority, 200 South Pearl Street, Albany, NY 12203.

Council Members wished Council Member O'Brien a happy birthday.

### **ADJOURNMENT**

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

A true record of the Common Council Minutes of February 20<sup>th</sup>, 2014.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL