

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday March 17, 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, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

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

Council Member Bailey led the Pledge of Allegiance.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of RESOLUTION NUMBER 26.32.14R, which was approved by unanimous voice vote.

Council Member Flynn introduced RESOLUTION NUMBER 26.32.14R, and asked for passage and a roll call vote thereon:

RESOLUTION CONGRATULATING THE GREEN TECH HIGH CHARTER SCHOOL BASKETBALL TEAM ON WINNING ITS FIRST SECTION II CLASS AA TITLE GAME AND THE CLASS AA STATE CHAMPIONSHIP

WHEREAS, the Green Tech High Charter School basketball team (17-3) won its first Section II Class AA title this year by beating the Guilderland Dutchmen, 65-56, before 4,868 fans at the Times Union Center; and

WHEREAS, the team advanced to the Class AA regional playoffs on Saturday, March 8, where the Eagles beat the Section III champion Proctors High School (Utica) with a 53-43 victory; and

WHEREAS, the Eagles then advanced to the State Class AA semifinal game where they faced-off against Section XI champion Brentwood at the Glens Falls Civic Center on March 15th, defeating the Indians 52-44 and advancing to the State Championship game; and

WHEREAS, Green Tech played Section VI winner Jamestown in the New York State Class AA Championship capping an incredible season with a 54-49 victory over the Red Raiders and giving the Eagles their first ever State title; and

WHEREAS, a tremendous amount of hard work and dedication by the team has gone into winning the Section II title and State Championship. This is not only the school's first State Championship, but the first sectional title for the Eagles in the program's history at the varsity level. The team has given the City of Albany a season to remember and an exciting team to watch in the future as many of their top players will continue with the team.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates the Green Tech High Charter School Basketball Team on their outstanding wins in taking both the Section II Class AA title as well as the Class AA State Championship and for their outstanding performance this season. We commend Head Coach Jamil Hood, Sr. for his energy and dedication and wish them continued success.

**Note: Council Members Krasher, Kornegay, Bailey, Robinson and President McLaughlin spoke on this resolution prior to passage.*

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

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

Affirmative 15 Negative 0 Abstain 0

Resolution Number 26.32.14R was co-sponsored by Council Members Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

PUBLIC HEARING

Clerk to the Common Council Nala Woodard read the notice of the public hearing on 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 following individuals spoke:

1. Darren Scott, Albany Housing Authority Director of Planning and Development;
2. Greg Tripp, Albany Housing Authority Site Engineer;
3. Marlon Anderson, 491 Livingston Avenue, Albany, NY.

There being no further speakers, the President declared the Public Hearing closed.

PUBLIC COMMENT PERIOD

1. John Wolcott, 344 Sheridan Avenue, albany, NY (Changing the name of Island Creek Park to Fort Nassau Park);
2. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Various);
3. Vincent Riguso, 13 Beach Avenue, Albany, NY (Lack of media & Resolution 21.23.14R in relation to the Solid Waste Management Plan);
4. Beverly Padgett, Third Street, Albany, NY (Albany Community Policing Coalition).

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

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Planning, Economic Development and Land Use – Chairperson Herring stated that the committee met on March 12, 2014 following caucus to discuss Resolution 18.23.14R in relation to the continuation of the Capital Resource Corporation. The resolution was passed out of committee with a favorable recommendation.

General Services, Health and Environment – Chairperson O'Brien stated that the committee met on March 5, 2014 at 5:30 p.m. to consider Resolution 21.23.14R in relation to the Solid Waste Management Plan. There were three changes to the plan. The resolution was passed out of committee with a favorable recommendation.

Finance, Taxation and Assessment – Chairperson Commisso stated that the committee met on March 10, 2014 to consider three bonding ordinances relating to the Department of General Services. The three resolutions were passed out of committee with a favorable recommendation.

Housing and Community Development – Chairperson Bailey reminded Council Members that the committee met on March 14, 2014 to discuss the findings from the March 5th hearing. The committee spoke with

Commissioner Mike Yevoli on developing a scoring plan to pick which organizations get funding. The committee found \$10,000, which will be awarded to the United Methodist program. The Chair discussed scheduling another meeting before April 3, 2014 and discussed that he was waiting on waivers from HUD. He discussed getting reports on the success of the programs from groups/organizations who receive funding from CDBG.

President Pro Tempore Conti made a motion to change the order of business to allow for one additional public comment speaker, which was approved by unanimous voice vote.

5. Elijah Fagan-Solis, YOUTH POWER! Mentoring Coordinator, 737 Madison Avenue, Albany, NY (YOUTH POWER Program)

CONSIDERATION OF ORDINANCES

Council Member Bailey introduced ORDINANCE NUMBER 7.32.14, which was held:

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF PERMANENT EASEMENTS TO THE OWNERS OF 132, 134, 136, 138, 140 AND 144 STATE STREET OVER, UPON AND UNDER PORTIONS OF THE CITY RIGHT-OF-WAYS OF STATE AND EAGLE 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 permanent easements to the owners of 132, 134, 136, 138, 140 and 144 State Street over, upon and under portions of the City right-of-way of State Street and Eagle Street, adjacent to 132 State Street (Tax Map #76.33-1-19), 134 State Street (Tax Map #76.33-1-18), 136 State Street (Tax Map #76.33-1-17), 138 State Street (Tax Map #76.33-1-16), 140 State Street (Tax Map #76.33-1-15) and 144 State Street (Tax Map #76.33-1-14), 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 Commisso offered ORDINANCE NUMBER 3.31.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,000,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,000,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET RECONSTRUCTION), which had been previously introduced, and asked for passage and a roll call vote thereon.

**Note: Council Members Robinson, Krasher, Commisso and Golby spoke on this ordinance prior to passage.*

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

Affirmative – Applys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, and O’Brien

Negative – Kornegay, Krasher and Robinson

Affirmative 12 Negative 3 Abstain 0

Council Member Commisso offered ORDINANCE NUMBER 3.31.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$480,000.00 AND AUTHORIZING THE ISSUANCE OF \$480,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK RECONSTRUCTION), which had been previously introduced, and asked for passage and a roll call vote thereon.

**Note: Council Members Krasher, O'Brien and Robinson spoke on this ordinance prior to passage.*

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

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

Negative – Kornegay, Krasher and Robinson

Affirmative 12 Negative 3 Abstain 0

Council Member Commisso offered ORDINANCE NUMBER 5.31.14, (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$205,000.00 AND AUTHORIZING THE ISSUANCE OF \$205,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ADA COMPLIANCE)), which had been previously introduced, and asked for passage and a roll call vote thereon.

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

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

Negative – Kornegay, Krasher and Robinson

Affirmative 12 Negative 3 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

Council Member Conti introduced RESOLUTION NUMBER 27.32.14R, which was referred to the Council Operations and Ethics Committee:

RESOLUTION OF THE COMMON COUNCIL AMENDING ARTICLE I OF THE RULES OF PROCEDURE OF THE CITY OF ALBANY COMMON COUNCIL

NOW, THEREFORE, BE IT RESOLVED, that Article 1 (Rules Generally) of the Rules of Procedure of the Common Council is amended to read as follows:

ARTICLE 1
RULES GENERALLY

SECTION 1.1. RULES OF THE COUNCIL.

- A. The Rules of Order and Procedure governing the meetings, public hearings and all other business of the Albany Common Council shall be and may hereafter be determined by resolution [the legislative body] itself and shall be exercised and interpreted by the President of the Common Council. The Common Council also follows the basic operating procedures set forth in the Code of the City of Albany and the NYS Open Meetings Law. Rules of parliamentary procedure shall be governed by the current edition of Mason's Manual of Legislative Procedure, which shall be advisory but not binding on the proceedings of the Common Council.
- B. The President of the Common Council shall have general control of the Council Chambers. In case of any disturbance, trespass, or disorderly conduct in the chamber, the President shall have the power to order the expulsion of any person or persons creating such disturbance or trespass therein.
- C. Any ruling or decision of the President with respect thereto shall be appealable by motion by motion from the floor at the meeting where the ruling or decision was made. [and thus subject to the approval of the Common Council by a majority vote of those present.] A motion to appeal a ruling cannot be reconsidered after the vote.

~~[Rules of parliamentary procedure shall be governed by the current edition of Robert's Rules of Order.]~~

SECTION 1.2. COUNCIL FLOOR AND PRESS [MEDIA COVERAGE AND EQUIPMENT.]

As a matter of right, only the members, Council staff, representatives of the Executive Branch and authorized representatives of the press shall have the privilege of sitting within the rail during all meetings of the Council. The President may extend the privilege to any other city officer or person at their discretion. [No person except members, ex members of the Common Council, City officials and Official Reporters shall be allowed to come within the bar during the session meetings of the Council, without the permission of the Council.] Cameras, microphones, and recorders used by the video and audio media shall be placed in a fixed location specified by the President of the Common as space permits. Reporters and photographers shall not walk around the Council chamber or among the Council members.

SECTION 1.3. SUSPENSION OF RULES.

No rule of the Council shall be altered, suspended or rescinded unless by a majority vote of all members elected, and no motion to alter, suspend or rescind any such rule shall be in order without the unanimous consent of the Council, unless notice thereof shall have been given at the previous regular meeting. No motion to suspend shall embrace more than one rule or relate to any other subject than the one specified in said motion.

SECTION 1.4. COMPELLING ATTENDANCE OF ABSENT MEMBERS.

In case the Common Council shall convene with less than a quorum at any regular or special meeting; or if while any meeting is in progress, any less number than a quorum shall be present, a majority of the members present are authorized to send ~~[the City Marshall, or any other person]~~ a police officer for any and all absent members as a majority of such members present shall agree. ~~[Such City Marshall or other person so authorized shall have power to arrest such absent member or members and detain him or them until discharged by the Common Council, and for any such neglect to attend, or a violation of any rule of this Council, or for disorderly conduct, such censure or pecuniary penalty or expulsion may be inflicted as they may deem just on those who shall render no sufficient excuse for their absence, or for violation of a rule, or disorderly conduct.]~~

SECTION 1.5. DISCIPLINE OF MEMBERS.

- A. When any member of the Common Council shall be charged by a majority vote of the Common Council

~~[(charge shall be in writing, and presented at a meeting of the Common Council)] with any violation of any law or ordinance of said city, or resolution, rule or regulation of said Council or of official misconduct, the matter shall be referred at said meeting to a committee of investigation of not less than five members. The member charged shall have the right to object to not more than two members named on said committee, and the other member complaining or charging shall have the same privilege, and other members shall be appointed to fill vacancies thus created. [to the Committee on Council Operations and Ethics. If the member charged is a member of the Committee on Council Operations and Ethics, the Common Council shall appoint a temporary member to serve until the matter is resolved. The charge shall be in writing, and presented at a meeting of the Common Council.] The member charged will be served with a copy of said charges and notice when said committee shall hear the same. The committee shall then investigate the charges pursuant to such notice, and report to the Council. [When the report of any such committee of investigation shall be considered, the Council may order an executive session of that purpose.]~~

B. Upon the recommendation of the Committee on Council Operations and Ethics, the Common Council may adopt a resolution to censure the member charged. This remedy is in addition to any remedies or penalties provided under the NYS Second Class Cities Law, Public Officers Law, and any other applicable statutes.

SECTION 1.6. CONDUCT BEFORE THE COUNCIL.

The Common Council has developed these general rules to guide members and the public on appropriate conduct before this body. The President is responsible for insuring compliance with these rules and may refer any member to the Committee on Council Operations and Ethics for violations of these general guidelines.

- (a) All members have a duty to attend Common Council meetings, as well as committee meetings of which they are a member whenever possible.
- (b) Members of the Common Council shall demonstrate respect for each other, for other city officials, and to members of the public who appear before the Council.
- (c) All members of the Common Council, members of the public, and city officials who appear before the Council have the right not to have to suffer personal attacks or abuse.
- (d) Maintain decorum in debate. Confine debate to the merits of the proposal, not the individual. Members should refrain from inflammatory or patronizing remarks.
- (e) Council members will wait to be recognized by the President before speaking. Council members will not interrupt each other. Whenever possible, all members shall speak or debate upon any question while standing and shall speak to the question before the Council.

Council Member Herring offered RESOLUTION NUMBER 18.23.14R (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), which had been previously introduced, and asked for passage and a roll call vote thereon.

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

Affirmative – Applrys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien, and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member O'Brien offered RESOLUTION NUMBER 21.23.14R (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), which has been previously introduced, and asked for passage and a roll call vote thereon.

**Note: Council Members Commisso and O'Brien spoke on this resolution prior to passage.*

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

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

Affirmative 15 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 Dan 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, 2014, AND WAIVE THE READING OF THE NAMES:

1. Sarah Hunt, 263 S. Swan Street Albany, NY 12202
2. Mark G. Gerling, 90 Buckingham Drive, Albany, NY 12208
3. RA DePrima, 295 Lark Street, Albany, NY 12210
4. William G. Ritchie, 196 Mt. Hope Drive, Albany NY 12202
5. Margaret S. Diggs, 170 Second St, Albany NY 12210
6. Mario P. Chiareilo, 355 Delaware Ave, Albany NY 12209
7. Jessica R. Eber, 39 Raymo Street, Albany NY 12209
8. Carolyn Hunt, 132 Western Ave, Albany, NY 12203
9. Matthew E. Reuter, 91 Russell Road #C, Albany, NY 12203

ADJOURNMENT

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

A true record of the Common Council Minutes of March 17th 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL