

**ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING
Youth In Government Night**

Monday May 19, 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 Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

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

Council Member Krasher led the Pledge of Allegiance.

President McLaughlin acknowledged the students present for Youth in Government Night. The students introduced themselves by stating their name, grade and which school they attend.

President Pro Tempore Conti asked and received majority consent to add Resolution Number 48.52.14R to the pending agenda, which was approved by unanimous voice vote.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of Resolution Number 48.52.14R, which was approved by unanimous voice vote.

Council Member Fahey introduced RESOLUTION NUMBER 48.52.14R at the request of Council President McLaughlin, asked for passage and a roll call vote thereon:

**RESOLUTION OF THE COMMON COUNCIL CONGRATULATING ALL THE
PARTICIPANTS IN THE CITY SCHOOL DISTRICT AND CITY-WIDE SCIENCE FAIRS
FOR THEIR EFFORTS AND INVOLVEMENT**

WHEREAS, the City School District of Albany's science curriculum provides a combination of hands-on activities and inquiry-based learning that supports both literacy and critical-thinking skills for all students beginning in pre-kindergarten. Students in elementary and middle school have the opportunity to participate in annual science fairs, including the city-wide Joseph Henry Science Fair at The College of Saint Rose. Students from elementary school through Albany High School also have the opportunity to participate in a variety of science- and technology-themed clubs and after-school activities, including award-winning robotics clubs, and

WHEREAS, science, technology, engineering and math, or STEM, also is the theme of one of the district's three elementary magnet schools -- Thomas O'Brien Academy of Science and Technology (TOAST). At Albany High, one of the school's four themed academies, Innovation Academy, focuses on STEM concepts across all disciplines. The curriculum for all students is rich in STEM-related opportunities, including numerous Advanced Placement and International Baccalaureate courses, the Project Lead the Way engineering pathway, and the school's groundbreaking "NanoHigh" partnership with the SUNY College of Nanoscale Science and Engineering, and

WHEREAS, the following students from the Albany City School District have participated in school and city-wide science fairs this year and their projects are on exhibit in City Hall: Alex Quandt, Grade 6, "Global Warming" (**ALBANY SCHOOL OF HUMANITIES**); Jazmin Galloway, Grade 6, Alexia Buddeau, Grade 6 and Heaven Johnson Grade 6, "Can an Egg Float?", Nagi Hicks, Grade 6, Rufus McCain, Grade 6, Glenvon Owens, Grade 6 and Betsaleel Seluvangidio, Grade 6, "Does Mentos Dissolve in Non-Chemical Liquids?" (**GIFFEN MEMORIAL ELEMENTARY SCHOOL**); Zequai Lue, Grade 4, "Will it Grow?", Sa Nay, Grade 4, "How Long Will a Candle Burn in a Closed Space?", Damon Royal, Grade 4, "Ice Attraction" (**THOMAS O'BRIEN ACADEMY OF SCIENCE AND TECHNOLOGY (TOAST)**); Nyla Marrero, Grade 6, "Poppin' Popcorn Project", Jaden Cuspirini, Grade 6, "Which Diaper is the Most Absorbent? Dutiful

Diapers” (**PINE HILLS ELEMENTARY SCHOOL**); Leeashia Green and Maura Palden, Grade 6, “Plants that Move to the Beat”, Alexa Kosinski and Dabar Zarzuela, Grade 6, “Freezing Batteries”, Mujidat Abijako and Nancy Lundberg, Grade 7, “Peroxide v. s. Water”, Nicholas Wilson, Grade 7, “Starch Madness”, Logan Bennett, Grade 8, “Citrus Fruit Power”, Nina Bonilla, Grade 8, “Does Eating Breakfast Affect Short Term Memory?”, Gregory Emmons, Grade 8, “Egg Straordinary”. Ryan Ginnan and Ivory Anderson, Grade 8, “How Effective Are Cleaning Supplies on the Growth of Bacteria?”, Seh Meh and Cynthia Sengabo, Grade 8, “Popcorn Experiment: Generic v. s. Brand Name”, Gabriela Ravelo, Grade 8, “Which Gum Brand Has the Longest Lasting Taste?”, Abby Schuerman and Regan Hunt, Grade 8, “Spearmint Experiment”, Sarha Smith-Moyo, Grade 8, “Will Tall People Jump Farther?”, Tamera Thomas, Grade 8, “How Clean Does My Mouth Really Get?” (**STEPHEN AND HARRIET MYERS MIDDLE SCHOOL**).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany wishes to congratulate the participants in these science fairs and encourages them to continue to excel in the STEM programs offered by the City of Albany School District.

**Note: Council Member Fahey and Council 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 – Applrys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 48.52.14R was co-sponsored by Council Members Applrys, Bailey, Commisso, Conti, Doeschate, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

PUBLIC COMMENT PERIOD

1. Jim Ader, 525 Delaware Avenue, Albany, NY (War Memorial/Monument at Normanskill Farm);
2. Anne Savage, 101 Lenox Avenue, Albany, NY (Red light cameras);
3. Theresa Zubretsky, 9 Jesse Court, Troy, NY (Support Ordinance 38.52.14 in relation to tobacco free zones in city parks);
4. Letisha M. Johnson, 260 Colonie Street, Albany, NY (Lights at Arbor Hill softball field);
5. Angelo Daga, 151 Russel Road, Albany, NY (APD/AFD communications);
6. Nadine Lemmon, 140 Chestnut Street, Albany, NY (Red light cameras);
7. Anton Konev, 146 Jefferson Street, Albany, NY (City Employee Residency Requirements/Ordinance 38.52.14 in relation to tobacco free zones in city parks/Red light cameras);
8. Brian Kilpatrick, 21 Pleastview Avenue, Albany, NY (Red light cameras);

President Pro Tempore Conti made a motion to extend public comment for an additional 30 minutes, which was approved by unanimous voice vote.

9. Warren Mackey, 223 Livingston Avenue, Albany, NY (Lights at Arbor Hill softball field);
10. Decky and Regenia Lawson, 18 Judson Street, Albany, NY (Lights at Arbor Hill softball field);
11. Robert Porter, 564 Park Avenue, Albany, NY (Red light cameras);
12. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Casino);
13. Vincent Riguso, 13 Beach Avenue, Albany, NY (Casino/Red light cameras);
14. Jesse Calhoun, 604 Providence Street, Albany, NY (Red light cameras);
15. Helen Klaesen, 817 Livingston Avenue, Albany, NY (Casino).

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

CONSIDERATION OF LOCAL LAWS

Council Member Commisso introduced LOCAL LAW B-2014, which was referred to the Finance, Taxation and Assessment Committee:

A LOCAL LAW AMENDING THE CODE OF THE CITY OF ALBANY ADDING THERETO A DEPARTMENT OF BUDGET, FINANCE AND MANAGEMENT AND AMENDING THE CODE REGARDING SAID DEPARTMENT AND OVERSITE OF RELATED DEPARTMENTS

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

Section 1. Chapter 42 (Departments and Commissions) of the Code of the City of Albany is hereby amended to add a new part, to be known as Part 39 as follows:

Part 39. Department of Budget, Finance and Management

Article L. General Provisions

Section 42-381 Establishment.

There is hereby established a department known as the Department of Budget, Finance and Management.

Section 42-382 Commissioner.

There shall be appointed by the Mayor a Commissioner of the Department of Budget, Finance and Management who shall head the Department of Budget, Finance and Management and who shall serve and hold such office at the pleasure of the Mayor.

Section 42-383 Deputies, Assistant Commissioners and subordinates.

The Commissioner shall appoint Deputy or Assistant Commissioners whom shall serve at the Commissioner's pleasure and serve in the Commissioner's absence. The Commissioner, Deputies and Assistant Commissioners are vested with the authority, direction and control over the Department, including the authority to appoint and remove employees of said Department. The Commissioner shall appoint such other subordinates as shall be authorized by the Board of Estimate and Apportionment and who shall serve at the pleasure of the Commissioner.

Section 42-384 Scope, powers and duties of Commissioner.

The Commissioner shall have jurisdiction, supervision and control of the management and administration of the Department of Budget, Finance and Management and of the subordinate departments or offices established until this chapter. The Commissioner shall have general direction and supervision over Assessment, the Budget Department, Human Resources and the Purchasing Department.

The Commissioner shall have primary day-to-day responsibility for planning, implementing, managing and controlling all financial-related activities of the City. The Commissioner shall be responsible for the formulation, presentation and execution of the budget for City departments and agencies and shall monitor all fund types for budget implementation. In addition, the Commissioner shall possess such other powers and perform such other duties as may be prescribed by law or by ordinance of the Common Council.

Section 42-385 Severability.

If any clause, sentence, paragraph, sections or part of this Part 39 be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the

remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. Chapter 42 (Departments and Commissions) of the Code of the City of Albany is hereby amended to add a new part, to be known as Part 40 as follows:

Part 40. Budget Department

Article LI. General Provisions

Section 42-386 Establishment.

There is hereby established a department known as the Budget Department.

Section 42-387 Director.

The Commissioner of the Department of Budget, Finance and Management shall head the Budget Department.

Section 42-388 Subordinates.

The Commissioner shall appoint such deputies, assistants and other subordinates as shall be authorized by the Board of Estimate and Apportionment and who shall serve at the pleasure of the Commissioner.

Section 42-389 Scope, powers and duties.

The Budget Department shall be responsible for planning, implementing, managing and controlling all financial-related activities of the City. The Department is charged with assisting the budgetary responsibilities and analysis of the individual City departments and agencies. The Department shall be responsible for the formulation, presentation and execution of the individual budgets for City departments and agencies and shall monitor all fund types for budget implementation. The Department shall oversee the publication and distribution of the approved budget.

Section 3. Part 6 (Department of Administrative Services) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended to read as follows:

Part 6. Department of [~~Administrative Services~~] Human Resources

Article XIV. General Provisions

§ 42-105. Establishment.

There is hereby established a department known as the Department of [~~Administrative Services~~] Human Resources.

§ 42-106. [~~Commissioner~~] Director.

There shall be appointed by the [~~Mayor~~] Commissioner of the Department of Budget, Finance and Management a [~~Commissioner of Administrative Services~~] Director of Human Resources who shall head the Department of [~~Administrative Services~~] Human Resources and who shall serve and hold such office at the pleasure of the [~~Mayor~~] Commissioner.

§ 42-107. [~~Qualifications and compensation of Commissioner; Acting Commissioner; s~~] Subordinates.

A. [~~A. The qualifications for eligibility to hold the office of the Commissioner and the compensation of Commissioner shall be established by the Board of Estimate and Apportionment.~~]

- B. ~~Pending appointment of a qualified Commissioner, the position of Acting Commissioner may be established to serve temporarily; such temporary appointment shall be made by the Mayor.~~
- C. The ~~[Commissioner]~~ Director shall appoint such deputies, ~~[directors]~~ assistants and other subordinates as shall be authorized by the Board of Estimate and Apportionment and who shall serve at the pleasure of the ~~[Commissioner]~~ Director.

§ 42-108. Departmental scope, powers and duties.

- A. The Department of ~~[Administrative Services]~~ Human Resources shall have the following functions:
 - (1) Equal employment opportunity: to oversee and administer the City's equal employment opportunity policies, requirements and standards as set forth and established in Chapter 48 of this Code.
 - (2) Fair housing: to oversee and administer the City's Office of Fair Housing and its policies, purposes and duties as set forth and established in Chapter 187 of this Code.
 - (3) Personnel: to oversee and administer the personnel policies of the City workforce as set forth in the City Personnel Manual and as otherwise required by law.
 - (4) ~~[Purchasing: to oversee and administer the City's purchasing and procurement policies as set forth in Part 18 of this chapter.]~~ Payroll: to oversee and administer the disbursement of the City workforce payroll.
- B. The ~~[Commissioner]~~ Director of the Department of ~~[Administrative Services]~~ Human Resources is hereby named and designated as the Equal Employment Opportunity Officer and Fair Housing Officer of and for the City of Albany.

§ 42-109. (Reserved)

§ 42-110. (Reserved)

Section 4. Part 11 (Department of Assessment and Taxation) of Chapter 42 (Departments and Commissions) the Code of the City of Albany is amended to read as follows:

Part 11. Department of Assessment ~~[and Taxation]~~

Article XXI. General Provisions

§ 42-165. ~~[Abolition of office of Assessor; creation of Department of Assessment and Taxation]~~ Establishment.

~~[By virtue of the authority conferred by Chapter 300 of the Laws of 1921, it is hereby ordered and directed that the office of Assessor be and hereby is abolished and a Department of Assessment and Taxation be and hereby is created and established in place of the Board of Assessors.]~~ There is hereby established a department known as the Department of Assessment. Said authority being originally conferred by Chapter 300 of the Laws of 1921.

§ 42-166. Organization.

Said Department of Assessment and Taxation shall be organized in accordance with the provisions of said Chapter 300 of the Laws of 1921.

§ 42-166.1 Assessor and subordinates.

The Assessor is vested with the authority, direction and control over the Department, including the authority to appoint and remove employees of said Department. The Assessor shall appoint such other subordinates as shall be authorized by the Board of Estimate and Apportionment and who shall serve at the pleasure of the Assessor.

Section 5. Part 18 (Purchasing Division) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended to read as follows:

Part 18. Purchasing ~~[Division]~~ Department

Article XXVIII. General Provisions

§ 42-206. Establishment.

~~[There is hereby created and established in and for the City of Albany a Purchasing Division within the Department of Administrative Services and Workforce Development (Part 6 of this chapter) which shall consist of a Purchasing Agent and such assistants as may be authorized by the Board of Estimate and Apportionment.]~~
There is hereby established a department known as the Purchasing Department.

§ 42-207. ~~[Appointments]~~ Director and subordinates.

~~[The Purchasing Agent and the assistants or employees of the Division shall be appointed by and removable at the pleasure of the Commissioner of the Department of Administrative Services and Workforce Development.]~~
There shall be appointed by the Commissioner of the Department of Budget, Finance and Management a Purchasing Director who shall head the Purchasing Department and who shall serve and hold such office at the pleasure of the Commissioner. The Director shall appoint such deputies, assistants and other subordinates as shall be authorized by the Board of Estimate and Apportionment and who shall serve at the pleasure of the Director.

§ 42-208. Powers and duties of Purchasing ~~[Agent]~~ Director.

Under the direction of the Commissioner of Budget, Finance and Management, the Purchasing ~~[Agent]~~ Director shall purchase and be responsible for the proper receipt of all materials and supplies purchased without the requirements of competitive bidding for all departments, boards, bureaus and offices of the City of Albany.

§ 42-209. Promulgation of rules and regulations by the Board of Contract and supply.

The Board of Contract and Supply shall make rules and regulations, not inconsistent with General Laws, the Charter of the City of Albany or the Code of the City of Albany, which shall prescribe procedure, conditions, methods and practices that shall prevail in regard to all purchases of materials and supplies by the Purchasing ~~[Division]~~ Department, and all departments, boards, bureaus and offices of the City for which supplies are purchased shall obey and comply with such rules and regulations.

§ 42-210. Sale of City property, real and personal.

The Purchasing ~~[Division]~~ Department may sell, under the direction of the Board of Contract and Supply, all property, real and personal, of the City not needed for public use and authorized to be sold.

§ 42-211. Execution of bond for Purchasing Agent.

The Purchasing ~~[Agent]~~ Director shall, within 10 days after appointment, execute a bond to the City of Albany, to be approved by the Mayor, in the sum of \$5,000 for the faithful performance of the duties of his or her office and for a due accounting of all property that may come under his or her care, custody and control.

§ 42-212. Purchase of recycled paper.

D. Purchase of products for City use.

- (3) The ~~[Director of]~~ Purchasing Director may authorize the purchase of paper which does not meet the definition of recycled paper provided by this section or does not contain the minimum amount of postconsumer waste required by this section upon a determination that:
- E. Content verification. The ~~[Director of]~~ Purchasing Director may, in determining the preconsumer waste and postconsumer waste content of recycled paper, rely upon the written representations of responsible manufacturers as to the recycled paper content of a product. Such written representations may be obtained from manufacturers in response to a specific request or from packaging, promotion materials or similar sources.

Section 6. Section 42-342 of Part 33 (Citizens' Police Review Board) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended to read as follows:

§ 42-342. Filing of complaints.

Complaints concerning police conduct shall be filed with the Police Department or submitted to the CPRB for filing with the Police Department as provided in this section. The CPRB may designate one or more locations for the submission of complaints for filing with the Police Department.

- A. Complaints shall be lodged in writing using the City of Albany Police Department Citizen Complaint Form as approved by the CPRB for that purpose and shall be signed by the complainant. Complaint forms shall be printed in English and Spanish and shall be available at any City of Albany Police Department facility, the City Department of ~~[Administrative Services]~~ Human Resources, the City Clerk's office and any other location designated by the CPRB.

Section 7. Section 42-365 of Part 36 (Commission on Human Rights) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended to read as follows:

§ 42-365. Meetings and staff.

The Commission shall meet no less than six times per year and shall establish a regular meeting calendar which is readily accessible to the public. Meetings of the Commission shall be public and comply with provisions of the Open Meetings Law. The ~~[Commissioner of the Department of Administrative Services]~~ Director of Human Resources, or his or her designee, shall serve as staff to the Commission.

Section 8. Section 133.78.2 of Part 2 (Building Construction) of Chapter 133 (Building Construction) of the Code of the City of Albany is amended to read as follows:

§ 133-78.2. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

OWNER

Those shown to be the owner or owners on the records of the City of Albany Department of Assessment ~~[and Taxation]~~, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligation for compliance with the provisions of this article.

Section 9. Subsection C of Section 313-51.1 of Chapter 313 (Solid Waste) of the Code of the City of Albany is amended to read as follows:

§ 313-51.1. Responsibility of property owners; action by City; costs of abatement; hearing.

C. Notice.

- (1) All notices issued hereunder to restrain or correct any violation or to enforce compliance with any provision or requirement of Articles IV and/or V may be served by:
 - (a) Delivering to and leaving a copy of the same with any person or persons owning, occupying, otherwise in control or who may be liable under any of the several provisions of such Articles IV and/or V;
 - (b) By registered or certified mail to the most current address on file in the Rental Dwelling Registry under § 231-143 of this Code, if any; or
 - (c) If none is on file, to the most current address on file in the City Department of Assessment [~~and Taxation~~]; or
 - (d) If such person or persons cannot be served by any of the aforesaid methods, after diligent search shall have been made for such person or persons, then such notice may be served by posting the same in a conspicuous place upon the premises where such violation is alleged to exist, or to which such notice may refer, which shall be equivalent to personal service of said notice upon all parties for whom such search shall have been made; or
 - (e) By any other method of service authorized pursuant to Article 3 of the Civil Practice Law and Rules.

Section 10. Sections 333-115 and 333-118 of Chapter 333 (Taxation) of the Code of the City of Albany is amended to read as follows:

§ 333-115. Application.

- A. Application for such exemption must be made annually by the owner or all of the owners of the property, on forms prescribed by the State Board to be furnished by the City Department of Assessment [~~and Taxation~~] and shall furnish the information and be executed in the manner required or prescribed on such forms, and shall be filed in such department on or before the appropriate taxable status date; provided, however, that proof of a permanent disability need be submitted only in the year an exemption pursuant to this article is first sought or the disability is first determined to be permanent.
- B. At least 60 days prior to the appropriate taxable status date, the Department of [~~Taxation and~~] Assessment shall mail to each person who was granted an exemption pursuant to this article on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§ 333-118. Application.

Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the New York State Board of Equalization and Assessment. The application shall be filed with the Department of Assessment and Taxation on or before the City's appropriate taxable status date.

Section 11. Section 42-365 of Part 36 (Commission on Human Rights) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended to read as follows:

Section 12. Section 54-4 of Chapter 54 of the Code of the City of Albany is amended to read as follows:

Section 54-4. Definitions.

EMPLOYEE

The Mayor, Comptroller, Treasurer, Common Council President and members, Corporation Counsel [~~Budget Director~~] and all department heads and deputies.

Section 13. 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

General Services, Health and Environment – Chairperson O’Brien stated that there was a joint Public Safety and General Services committee meeting on May 13, 2014 at 200 South Pearl Street on health and safety issues at the Port of Albany. He discussed that the meeting was well attended.

Public Safety – Chairperson Golby stated that there was a joint committee meeting of the Public Safety and General Services, Health and Environment committee meeting at 200 South Pearl Street on health and safety issues at the Port of Albany. There was a panel presentation and questions from the public.

Parks, Recreation and Family Services – Chairperson Fahey stated that the committee met on May 7, 2014 to discuss the Mayor’s 1609 Fitness Challenge. She stated that the challenge will start on June 2, 2014 and end on August 9, 2014. She discussed that participants will earn points by attending City of Albany facilities and fitness events and keep track of points by filling out a score card. She discussed that there will be prizes and encouraged Council Members to set up walks in their communities.

Planning, Economic Development and Land Use – Chairperson Herring stated that the committee met on May 12, 2014 to review applicant resumes to the Albany Sustainability Advisory Committee.

CONSIDERATION OF ORDINANCES

Council Member Applrys introduced ORDINANCE NUMBER 38.52.14, which was referred to the Law, Buildings and Code enforcement Committee:

AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY TO CREATE TOBACCO-FREE ZONES IN CITY PARKS

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

Section 1. Section 251-9 of Chapter 251 of the Code of the City of Albany is hereby amended to read as follows:

Section 251-9. Smoking in City Parks and Recreational Areas.

A. Smoking is responsible for premature deaths of over 440,000 Americans each year from lung cancer, heart disease, and other smoking related diseases. It kills more Americans each year than alcohol, cocaine, heroin, crack, homicide, suicide, accidents, fires and AIDS combined. Eighty percent of smokers started smoking before the age of 18, and the average initiation age is 12 years old. Each year in the United States alone, second hand smoke is responsible for: an estimated 42,000 deaths from heart disease in people who are current non-smokers; about 3,400 lung cancer deaths in non-smoking adults; worse asthma and asthma-related problems in up to 1 million asthmatic children; between 150,000 and 300,000 lower respiratory tract infections (lung and bronchus) in children under 18 months of age, with 7,500 to 15,000 hospitalizations each year; and making children much more likely to be put into intensive care when they have the flu; they stay in the hospital longer, and they’re more likely to need breathing tubes than kids who aren’t exposed to SHS. Cigarette butts also cause litter problems in the parks and ruin the natural atmosphere.

B. No person shall smoke within the City’s parks, sport fields, swimming pools, or playgrounds. For purposes of this section, to “smoke” means to burn a lighted cigar, cigarette, or pipe, or to use any other substance which contains tobacco.

C. Violation of this Section shall be an offense punishable by a fine of \$50.00. Appropriate signage shall be posted designating tobacco-free zones, however, the presence or absence of signs shall not be a defense to a violation of this Section.

Section 2. This ordinance shall take effect immediately.

Council Member Commisso asked for passage of ORDINANCE NUMBER 9.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$600,000.00 AND AUTHORIZING THE ISSUANCE OF \$600,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY BUILDING IMPROVEMENTS)), which had been previously introduced.

The ordinance 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, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Commisso asked for passage of ORDINANCE NUMBER 11.41.14 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$700,000.00 AND AUTHORIZING THE ISSUANCE OF \$700,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY BUILDING IMPROVEMENTS)), which had been previously introduced.

The ordinance 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, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Commisso moved to amend ORDINANCE NUMBER 12.41.14R 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 [~~\$250,000.00~~] \$150,000.00 AND AUTHORIZING THE ISSUANCE OF [~~\$250,000.00~~] \$150,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (EROSION CONTROL PROFESSIONAL FEES)

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: Unspecified betterments and improvements.

Local Finance Law Section 11.00(a) Subparagraph 35

Period of Probable Usefulness: ~~[15]~~ 5 years
Maximum Term of Obligations: ~~[15]~~ 5 years
Maximum Estimated Cost: ~~[\$250,000.00]~~ \$150,000.00
Maximum Amount of Bonds: ~~[\$250,000.00]~~ \$150,000.00
Treasurer's Bond Authorization Numbers: H-14
Treasurer's Project Numbers: GH 14408408

Section 2. The plan of financing such objects or purposes is the issuance of ~~[\$250,000.00]~~ \$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 April 7, 2014 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 the Council Members elected voting in favor thereof:
Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Commisso asked for passage of ORDINANCE NUMBER 19.41.14 (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 (BRIDGE IMPROVEMENTS)), which had been previously introduced.

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

Affirmative 15 Negative 0 Abstain 0

Council Member Commisso asked for passage of ORDINANCE NUMBER 20.41.14 (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 the Council Members elected voting in favor thereof:
Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

President Pro Tempore made a motion to recess and reconvene at 9:05 p.m., which was approved by unanimous voice vote.

Council Member Commisso moved to amend ORDINANCE NUMBER 23.41.14R and as amended requested it remain held:

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF [~~\$300,000.00~~] \$500,000.00 AND AUTHORIZING THE ISSUANCE OF [~~\$300,000.00~~] \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (RECREATION FACILITIES LIGHTING)

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.

(A) Object or Purpose: Parks, playgrounds and recreational areas. (Arbor Hill Park)
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: \$300,000.00
Maximum Amount of Bonds: \$300,000.00
Treasurer's Bond Authorization Numbers: S-14
Treasurer's Project Numbers: GH 71108419

(B) Object or Purpose: Parks, playgrounds and recreational areas. (Bleecker Stadium)
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
Maximum Amount of Bonds: \$200,000.00
Treasurer's Bond Authorization Numbers: S-14
Treasurer's Project Numbers: GH 71108419

Section 2. The plan of financing such objects or purposes is the issuance of [~~\$300,000.00~~] \$500,000.00 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 April 7, 2014 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**Note: Council Member Commisso spoke on this ordinance.*

Council Member Commisso moved to amend ORDINANCE NUMBER 24.41.14R 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 \$125,000.00 AND AUTHORIZING THE ISSUANCE OF \$125,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CAPITAL HILLS – PUMP HOUSE REPLACEMENT)

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: Golf Courses.
Local Finance Law Section 11.00(a) Subparagraph 54
Period of Probable Usefulness: ~~[15]~~ 10 years
Maximum Term of Obligations: ~~[15]~~ 10 years
Maximum Estimated Cost: \$125,000.00
Maximum Amount of Bonds: \$125,000.00
Treasurer's Bond Authorization Numbers: T-14
Treasurer's Project Numbers: GH 71108420

Section 2. The plan of financing such objects or purposes is the issuance of \$125,000.00 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 April 7, 2014 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 the Council Members elected voting in favor thereof:

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

Affirmative 15 Negative 0 Abstain 0

Ordinance Number 24.41.14 (As Amended) was co-sponsored by Council Member Flynn.

Council Member Commisso moved to amend ORDINANCE NUMBER 25.41.14R 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 [~~\$296,000.00~~] \$265,000.00 AND AUTHORIZING THE ISSUANCE OF [~~\$296,000.00~~] \$265,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PARKS REPLACEMENT EQUIPMENT)

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 they have been 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.

- (A) Object or Purpose: Machinery and apparatus for construction and maintenance.
Local Finance Law Section 11.00(a) Subparagraph 28
Period of Probable Usefulness: 15 years
Maximum Term of Obligations: 15 years

Maximum Estimated Cost: [~~\$65,000.00~~] \$34,000.00

Maximum Amount of Bonds: [~~\$65,000.00~~] \$34,000.00

Treasurer's Bond Authorization Numbers: U-14

Treasurer's Project Numbers: GH 71108421

(B) Object or Purpose: Machinery and apparatus for construction and maintenance.

Local Finance Law Section 11.00(a) Subparagraph 28

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$231,000.00

Maximum Amount of Bonds: \$231,000.00

Treasurer's Bond Authorization Numbers: W-14

Treasurer's Project Numbers: GH 71108423

Section 2. The plan of financing such objects or purposes is the issuance of [~~\$296,000.00~~] \$265,000.00 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 to 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 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 9. 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 10. 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 11. 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 12. 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 13. This ordinance shall be dated April 7, 2014 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 voice vote of all the Council Members elected voting in favor thereof:

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

Affirmative 15 Negative 0 Abstain 0

Council Member Commisso withdrew Ordinance Number 28.41.14.

Council Member Kornegay asked for passage of ORDINANCE NUMBER 37.51.14 (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO 28 ELIZABETH STREET OVER, UPON AND UNDER A PORTION OF THE CITY RIGHT-OF-WAY OF ELIZABETH STREET IN THE CITY OF ALBANY), which had been previously introduced.

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

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

Affirmative 15 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 Kornegay introduced RESOLUTION NUMBER 42.52.14R, which was held.

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

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

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

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

WHEREAS, the Company’s and the HDFC’s plan for the use of the properties, which are more particularly identified in Exhibit A, attached hereto and made part hereof, consists of the redevelopment of two-hundred forty (243) residential rental units in eighty-seven (87) buildings for persons and families of low-income, constitutes a “housing project” as that term is defined in Section 572 of the PHFL (the “Project”) and will be located and situated in the City and County of Albany, State of New York (the “Property”); and

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

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

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

WHEREAS, pursuant to Section 577 of the PHFL, the Common Council may exempt a project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project for a period of up to forty (40) years.

NOW, THEREFORE BE IT RESOLVED, that the Property and the Project shall be exempt from real property taxes to the extent described in Section 577 of the PHFL for a period of forty (40) years, including city, county and school taxes, other than assessments for local approvals, and that the Mayor be and is hereby authorized and empowered to execute and enter into a PILOT agreement with the Company and the HDFC in a form approved by the Corporation Counsel, together with such other and further forms, documents and agreements necessary to amend, renew, supplement or effectuate the same.

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

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

Council Member Conti introduced RESOLUTION NUMBER 43.52.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CALLING ON THE GOVERNOR, AND NEW YORK STATE LEGISLATURE TO ENACT THE ABANDONED PROPERTY NEIGHBORHOOD RELIEF ACT OF 2014”

WHEREAS, in the wake of the financial crisis of 2008, there has been a marked increase in New York State in the incidence of vacant and abandoned residential properties securing delinquent mortgages, which properties frequently fall into disrepair, thus devaluing neighboring properties and harming the larger community; and

WHEREAS, these vacant and abandoned residential properties have become a blight in the City of Albany and in many similarly situated neighborhoods across New York State because the properties are often boarded up, dilapidated, unsafe, inhabited by squatters or used for criminal purposes; and

WHEREAS, an accumulation in a community of vacant and abandoned residential properties that are not properly secured or maintained for extended periods can cause a marked decline in that community’s real estate market and the state’s property tax base; and

WHEREAS, there are documented instances of such properties being used by criminals to manufacture and/or distribute illegal drugs, thus leading to an increased likelihood of crime in and around the property and neighboring community; and

WHEREAS, the City of Albany and similarly situated municipalities across New York State are often forced to expend taxpayer funds to prevent vacant and abandoned residential properties from becoming a public hazard, thereby depleting limited local resources; and

WHEREAS, the City of Albany and similarly situated municipalities across New York State are often forced to expend taxpayer funds to investigate and determine the ownership, occupancy and foreclosure status of vacant and abandoned residential properties in order to ensure that, where applicable, the mortgagee is complying with current obligations under Federal, State and/or local law to secure and maintain the property, thereby further depleting limited local resources; and

WHEREAS, relevant provisions of existing State law, enacted in 2009, governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only *after* a judgment of foreclosure and sale has been entered by a court; and

WHEREAS, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Albany and in many similarly situated municipalities across New York State because many such properties are not subject to a pending foreclosure action, and many that are subject to a pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

WHEREAS, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” as proposed in Senate Bill 7530 and Assembly Bill 9341 would help the City of Albany and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by:

- A) creating a statewide registry of such properties that can be electronically accessed by such municipalities; and
- B) imposing a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, *pre-foreclosure*, action to identify, secure and maintain such vacant and abandoned properties; and
- C) providing a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State; and
- D) establishing a statewide toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them; and
- E) ensuring that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany calls on the Governor and the New York State Legislature to promptly enact the “Abandoned Property Neighborhood Relief Act of 2014” as proposed in Senate Bill 7530 and Assembly Bill 9341; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to Governor Andrew Cuomo, Attorney General Eric Schneiderman, the leadership of the New York State Legislature and the City of Albany representatives in the New York State Senate and New York State Assembly.

**Note: President Pro Tempore Conti 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 – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number was co-sponsored by Council Members Applyrs, Bailey, Commisso, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.

Council Member Commisso introduced RESOLUTION NUMBER 44.52.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF ONE POLICE OFFICE RECRUIT POSITION IN THE ALBANY POLICE DEPARTMENT

WHEREAS, Section 603(D)(b) of the Charter of the City of Albany requires any salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Albany Police Department call for the elimination of one Police Officer Recruit position.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the elimination of one position of Police Officer Recruit within the Albany Police Department.

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, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Fahey introduced RESOLUTION NUMBER 45.52.14R, which was referred to the Human Resources and Human Rights Committee:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO ADJUSTMENTS IN PERSONNEL IN THE DEPARTMENT OF ADMINISTRATIVE SERVICES

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

WHEREAS, it is recognized that the needs of the Department of Administrative Services (the Department) require the skills and abilities of a Director of Human Resources rather than those of a Personnel Director and a Payroll Manager; and

WHEREAS, it is recognized that the needs of the Department require the skills and abilities of a MWBE/Fair Housing Coordinator rather than those of a Compliance and Fair Housing Coordinator; and

WHEREAS, it is recognized that the needs of the Department require the skills and abilities of an EEO/Affirmative Action/Human Rights Coordinator rather than those of a Program Assistant; and

WHEREAS, it is recognized that the needs of the Department require the skills and abilities of a Confidential Secretary rather than those of a Keyboard Assistant.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the elimination of the positions of Personnel Director and Payroll Manager and the creation of a position of Director of Human Resources within the Department of Administrative Services.

BE IT FURTHER RESOLVED, that the Common Council consents to the elimination of the position of Compliance and Fair Housing Coordinator and the creation of a position of MWBE/Fair Housing Coordinator within the Department of Administrative Services.

RESOLVED, that the Common Council consents to the elimination of the position of Program Assistant and the creation of a position of EEO/Affirmative Action/Human Rights Coordinator within the Department of Administrative Services.

RESOLVED, that the Common Council consents to the elimination of the position of Keyboard Assistant and the creation of a position of Confidential Secretary within the Department of Administrative Services.

Council Member Conti introduced RESOLUTION NUMBER 46.52.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A COMMUNICATIONS COORDINATOR POSITION AND THE DECREASE IN SALARY OF A SECRETARY IN THE OFFICE OF THE MAYOR

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

WHEREAS, it is recognized that the needs of the Office of the Mayor requires the addition of a position of Communications Coordinator to fulfill the staffing needs of the office; and

WHEREAS, it is recognized that the needs of the Office of the Mayor require a decrease in salary for the position of Secretary.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the creation of the position of Communications Coordinator within the Office of the Mayor.

BE IT FURTHER RESOLVED, that the Common Council consents to the decrease in salary for the position of Secretary within the Office of the Mayor.

**Note: Council Members Commisso, Fahey, Herring and Conti 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 – Applyrs, Bailey, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay and O’Brien

Negative – Commisso, Flynn, Krasher and Robinson

Affirmative 11 Negative 4 Abstain 0

Resolution Number 46.52.14R was co-sponsored by Council Members Fahey, Golby and O’Brien.

President Pro Tempore Conti asked and received majority consent to add Resolution Number 47.52.14R to the pending agenda, which was approved by unanimous voice vote.

Council Member Golby introduced RESOLUTION NUMBER 47.52.14R (MC), asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL ENACTING A HOME RULE MESSAGE TO THE NEW YORK STATE LEGISLATURE REQUESTING THE ENACTMENT OF SENATE BILL NO. 7295-A / ASSEMBLY BILL NO. 9583-A ENTITLED: “AN ACT TO AMEND THE VEHICLE AND TRAFFIC LAW, THE GENERAL MUNICIPAL LAW, AND THE PUBLIC OFFICERS LAW, IN RELATION TO OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH TRAFFIC-CONTROL INDICATIONS; AND PROVIDING FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF”

RESOLVED, that a Home Rule Message is hereby enacted and directed to the New York State Legislature requesting the enactment of Senate Bill No. 7295-A and Assembly Bill No. 9583-A entitled:

“AN ACT to amend the vehicle and traffic law, the general municipal law, and the public officers law, in relation to owner liability for failure of operator to comply with traffic-control indications; and providing for the repeal of such provisions upon expiration thereof”

**Note: Council Members Golby, Commisso, Robinson, Fahey, Herring, Bailey, Krasher, Applyrs and Igoe 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 – Applyrs, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay and O’Brien

Negative – Bailey, Commisso, Flynn, Krasher and Robinson

Affirmative 10 Negative 5 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 approved by unanimous vote:

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

1. Tania Spadaro Albany County Finance 112 State Street Room 800, Albany NY 12207

ADJOURNMENT

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

A true record of the Common Council Minutes of May 19th, 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL