

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday July 21, 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, Patrick Jordan, Barbara Samel, Jake Mazzullo and Cashawna Parker.

Council Member Igoe led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Jonathan Capra, 847 New Scotland Avenue, Albany, NY (Oppose Red Light Cameras);
2. Jim Meliti, 1057 Maggie Road, Newburgh, NY (Oppose Red Light Cameras);
3. Theresa Zubretsky, 24 Aviation Road, Albany, NY (Support Ordinance 38.52.14 in relation to Tobacco Free Parks);
4. Robert Porter, 564 Park Avenue, Albany, NY (Oppose Red Light Cameras);
5. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Support Red Light Cameras);
6. Thomas Hoey, 19 Vine Street, Albany, NY (IDA/CRC);

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

7. Derek Johnson, 51 Krumkill Road, Albany, NY (Special events in the City of Albany);
8. Barbara Fiddemon, 350 Orange Street, Albany, NY (Recreational Events);
9. Jesse Calhoun, 609 Providence Street, Albany, NY (Oppose Red Light Cameras);
10. Rob Arrigo, 24 Preserve Way, Saratoga Springs, NY (Oppose Red Light Cameras);
11. Vincent Riguso, 13 Beach Avenue, Albany, NY (City-wide reorganization and elimination of Commissioner of Buildings.)

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

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

President Pro Tempore Conti made a motion to approve the minutes of the April 21, 2014, May 5, 2014 and May 19, 2014 meetings, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

Council Member Conti introduced LOCAL LAW C-2014, which was referred to the Council Operations and Ethics Committee:

A LOCAL LAW AMENDING CHAPTER 34 (DAYLIGHT SAVING TIME) OF THE CODE OF THE CITY OF ALBANY TO CREATE A CHAPTER REGARDING PUBLIC MEETINGS

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

Section 1. Chapter 34 entitled "Daylight Saving Time" is hereby repealed in its entirety and replaced with the following:

CHAPTER 34
PUBLIC MEETINGS

Section 34-1. Meetings of Boards, Commissions, Committees.

Public hearings of boards, commissions, committees created by state law or the Common Council shall be held as required by law and shall be held at a time of day after normal business hours to assure the opportunity for public participation, unless state law requires otherwise. All meetings shall be held in strict compliance with Public Officers Law Article 7.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

President Pro Tempore Conti asked and received majority consent to add Local Law D-2014 and Local Law E-2014 to the pending agenda, which was approved by unanimous voice vote.

Council Member Doesschate introduced LOCAL LAW D-2014 (MC), which was held:

A LOCAL LAW AMENDING THE CODE OF THE CITY OF ALBANY REGARDING THE POSITION OF DIRECTOR OF THE DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE

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

Section 1. Section 133-48.1 of Chapter 133 (Building Construction) of the Code of the City of Albany is amended to read as follows:

§ 133-48.1 Commissioner; qualifications and appointment; vacancy.

The Commissioner shall be the head of the Department of Buildings and Regulatory Compliance. The Commissioner shall be either a civil engineer of not fewer than five years' experience in such profession or a licensed attorney of not fewer than five years' experience handling matters dealing with state and local building codes in addition to planning and zoning laws and regulations or an architect, a general building contractor or a person engaged in the supervision of building construction with at least 10 years' actual experience in such profession or occupation. The Commissioner shall be appointed by the Mayor and serve at his or her pleasure.

Whenever a vacancy exists in the position of Commissioner of the Department of Buildings and Regulatory Compliance, the Mayor may appoint a Director of the Department, subject to the advice and consent of the Common Council, who shall have the authority to perform all such acts as are assigned to the Commissioner of the Department pursuant to the City Code.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

Council Member Fahey introduced LOCAL LAW E-2014 (MC), which was held:

A LOCAL LAW AMENDING THE CODE OF THE CITY OF ALBANY REGARDING THE DEPARTMENT OF ADMINISTRATIVE SERVICES

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

Section 1. Sections 42-105, 42-106 and 42-108 of Part 6 (Department of Administrative Services) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany are amended to read as follows:

Part 6. Department of Administrative Services and Finance
Article XIV. General Provisions

§ 42-105. Establishment.

There is hereby established a department known as the Department of Administrative Services and Finance.

§ 42-106. Commissioner.

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

§ 42-108. Scope, powers and duties.

A. In addition to assisting City departments and staff in the establishment of positions and the recruitment and hiring of all City personnel, [~~F~~]the Department of Administrative Services and Finance 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~~] Human Resources : 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.
- (5) Payroll: to oversee and administer the disbursement of the City workforce payroll.
- (6) Budget: to oversee and administer the fiscal policies of the City and to be responsible for planning, implementing, managing and controlling all financial and budget-related activities of the City except for those areas reserved for the Treasurer or Chief City Auditor under the City Charter or pursuant to state or local law.

~~[B.—The Commissioner of the Department of Administrative Services is hereby named and designated as the Equal Employment Opportunity Officer and Fair Housing Officer of and for the City of Albany.]~~

Section 2. Sections 42-206, 42-207, 42-208 and 42-211 of Part 18 (Purchasing Division) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany are amended to read as follows:

§ 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~~] Finance (Part 6 of this chapter) which shall consist of a Director of Purchasing [~~Agent~~] and such assistants as may be authorized by the Board of Estimate and Apportionment.

§ 42-207. Appointments.

The [~~Purchasing Agent~~] Director 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~~] Finance.

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

Under the direction of the Commissioner, 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.

§ 42-211. 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.

Section 3. 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 and Finance, the City Clerk's office and any other location designated by the CPRB.

Section 4. 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 and Finance, or his or her designee, shall serve as staff to the Commission.

Section 5. Section 54-4 of Chapter 54 of the Code of the City of Albany is amended to read as follows:

§ 54-4. Definitions.

EMPLOYEE

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

Section 6. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

Council Member Commisso amended Local Law B-2014.

Local Law B – 2014 (As amended 7/21/14)

A LOCAL LAW AMENDING THE CODE OF THE CITY OF ALBANY ADDING THERETO A BUREAU OF BUDGET, FINANCE AND MANAGEMENT AND AMENDING THE CODE REGARDING SAID BUREAU 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. Bureau of Budget, Finance and Management

Article L. General Provisions

§ 42-381 Establishment.

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

§ 42-382 Bureau Chief.

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

§ 42-383 Deputies, Assistant Commissioners and subordinates.

The Bureau Chief shall appoint Deputies or Assistants whom shall serve at the Bureau Chief's pleasure and serve in the Bureau Chief's absence. The Bureau Chief, Deputies and Assistants are vested with the authority, direction and control over the Bureau, including the authority to appoint and remove employees of said Bureau. The Bureau Chief 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 Bureau Chief.

§ 42-384 Scope, powers and duties.

The Bureau Chief shall have jurisdiction, supervision and control of the management and administration of the Bureau of Budget, Finance and Management and of the subordinate offices established under this chapter. The Bureau Chief shall have general direction and supervision over the Department of Human Resources and the Office of Purchasing.

The Bureau Chief shall have primary day-to-day responsibility for planning, implementing, managing and controlling all financial-related activities of the City as prescribed by the Mayor and excluding those duties delegated to the Treasurer and City Auditor under the charter and state law. The Bureau Chief 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 Bureau Chief shall possess such other powers and perform such other duties as may be prescribed by law or by ordinance of the Common Council.

The Bureau shall be responsible for planning, implementing, managing and controlling all financial-related activities of the City under the general supervision of the Mayor. The Bureau is charged with assisting the budgetary responsibilities and analysis of the individual City departments and agencies. The Bureau 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 Bureau shall oversee the publication and distribution of the approved budget.

§ 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. 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~~] Department of Human Resources

Article XIV. General Provisions

§ 42-105. Establishment.

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

§ 42-106. Commissioner.

There shall be appointed by the Mayor a Commissioner of ~~Administrative Services~~ 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.

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

- 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 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.

§ 42-108. Scope, powers and duties.

- B. The Department of ~~Administrative Services~~ Human Resources shall have the following functions:
 - (7) 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.
 - (8) 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.
 - (9) 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.

- (10) ~~[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.~~
- (11) Assist in the establishment of positions and the recruitment and hiring all city personnel and to insure that all applicable laws, rules and regulations are complied with.

C. The Commissioner 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 3. 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

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 within the Bureau of Budget, Finance and Management an Office of Purchasing.~~

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

The Purchasing Agent and the deputies, assistants or employees of the ~~Division~~ Office shall be appointed by and removable at the pleasure of the ~~Commissioner of the Department of Administrative Services and Workforce Development~~ Bureau Chief of the Bureau of Budget, Finance, and Management.

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

Under the direction of the Bureau Chief of Budget, Finance and Management, the Purchasing Agent 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, 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 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 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 Purchasing Agent 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 Purchasing Agent 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 4. 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.

B. 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 5. 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~~ Human Resources, or his or her designee, shall serve as staff to the Commission.

Section 6. 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~~ Human Resources, or his or her designee, shall serve as staff to the Commission.

Section 7. Section 54-4 of Chapter 54 of the Code of the City of Albany is amended to read as follows:

§ 54-4. Definitions.

EMPLOYEE

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

Section 8. 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

Public Safety - Chairperson Golby stated that the committee met on July 17, 2014 with the Chief of the Albany Fire Department for a mid-year budget update including an update on Engine 1. The committee discussed overtime with the Chief. At the end of March, the department was staffed at full capacity but with retirements and vacations, the department will need to use overtime to keep shifts covered. The Chief will be requesting in the 2015 budget funding to repair the Engine 1 firehouse. She discussed how AFD budget was cut so drastically, that the department is low on supplies and having to borrow rubber gloves. She stated that the department is doing the best they can with current resources.

Finance, Taxation and Assessment - Chairperson Commisso stated that the committee met on July 9, 2014 to discuss Local Law B-2014 relating to the addition of a Budget, Finance and Management department and the committee voted the law out of committee with an amendment to maintain the council confirmation authority over the department or office charged with personnel issues as provided for in the charter. Clarifying language on duties was also agreed to. He also discussed that instead of making the amendments as voted on by the committee, the Law Department drafted a completely new local law on the topic which was introduced and not referred to committee.

Law, Buildings and Code Enforcement – Chairperson Igoe stated that the committee met on July 15, 2014 to discuss Resolution Number 79.71.14R consenting to the creation of Director in the Department of Buildings and Regulatory Compliance, which was referred out of committee favorably. He stated that the committee would be meeting on July 23, 2014 to discuss Ordinance Number 38.52.14 relating to tobacco free parks in the City of Albany and this would be the committee’s second meeting on this ordinance.

CONSIDERATION OF ORDINANCES

Council Member Kornegay introduced ORDINANCE NUMBER 41.41.14, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF 418 SOUTH PEARL STREET FROM GENERAL INDUSTRIAL DISTRICT (M-1) TO NEIGHBORHOOD COMMERCIAL DISTRICT (C-O) AND AMENDING THE ZONING MAP ACCORDINGLY

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

Section 1. Chapter 375 of the Code of the City of Albany (Zoning) and the Official Zoning Map are hereby amended to change the zoning classification of 418 South Pearl Street from General Industrial District (M-1) to Neighborhood Commercial District (C-1), said property being more particularly described as follows:

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

Section: 76.73
Block: 3
Lot: 12

Said premises more commonly known as 418 South Pearl Street, measuring approximately 1.55 acres.

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

Section 3. This Ordinance shall take effect immediately.

Council Member Bailey asked for passage of ORDINANCE NUMBER 40.71.14 (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO NATIONAL GRID OVER, UPON AND UNDER PORTIONS OF MONTGOMERY AND ORANGE STREETS IN THE CITY OF ALBANY), 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

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

CONSIDERATION OF RESOLUTIONS

Council Member Kornegay introduced RESOLUTION NUMBER 83.72.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTY LOCATED AT 418 SOUTH PEARL STREET

WHEREAS, Ordinance 41.72.14 was introduced by the City of Albany Common Council on July 21, 2014, which proposed rezoning the property located at 418 South Pearl Street from General Industrial District (M-1) to Neighborhood Commercial District (C-1), and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed rezoning the property located at 418 South Pearl Street and hereby declares itself lead agency pursuant to and under SEQRA.

BE IT FURTHER RESOLVED, that the City Clerk is directed to give notice of the Common Council’s declaration to act as SEQRA lead agency to all involved agencies.

RESOLVED, that this resolution shall take effect immediately.

The resolution passed by the following vote of all the Council Members elected 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 Golby moved to amend RESOLUTION NUMBER 76.71.14R and as amended asked for passage and a roll call vote thereon:

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (ITS TRANSIT SIGNAL PRIORITY ON WASHINGTON, WESTERN AND NEW SCOTLAND AVENUES [P.I.N. 1756.63])

WHEREAS, a Project ITS Transit Signal Priority on Washington, Western and New Scotland Avenues P.I.N. 1756.63 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design

NOW, THEREFORE, the Common Council of the City of Albany, duly convened does hereby

RESOLVED, that the Common Council hereby approved the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$782,000.00 has already been appropriated and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the additional sum of \$7,518,644.00 is hereby appropriated pursuant to Ordinance Nos. 43.52.08, 38.31.10, 39.31.10, 25.31.13, 17.41.14 and 18.41.14 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

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

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

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

Present – Robinson

Affirmative 14 Negative 0 Abstain 0 Present 1

Resolution Number 76.71.14R (As Amended) was co-sponsored by Council Members Commisso, Doesschate, Fahey, Flynn, Igoe, Krasher and O’Brien.

Council Member Igoe asked for passage of RESOLUTION NUMBER 79.71.14R (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF THE POSITION OF DIRECTOR IN THE DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE), which had been previously introduced.

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

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

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

Present – Bailey

Affirmative 14 Negative 0 Abstain 0 Present 1

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority President 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. Harry Strole, 24 Eagle Street – Room 202, 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 July 21st, 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL