

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

Monday, August 19, 2013

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 Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, Sano and Smith.

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

Council Member Golby led the Pledge of Allegiance.

President Pro Tempore Conti asked and received majority consent to add Resolution Number 71.82.13R to the 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 71.82.13R, which was approved by unanimous voice vote.

Council Member Smith introduced the following, asked for passage and a roll call vote thereon:

Resolution Number 71.82.13R

**RESOLUTION OF THE COMMON COUNCIL IN HONOR OF THE 2013 ALBANY
LATINFEST AND IN RECOGNITION OF ITS EIGHTEENTH ANNIVERSARY**

WHEREAS, the Albany Latin Festival Association, a volunteer organization of committed community residents, will produce the 18th annual Albany LATINFEST, which will take place at Washington Park on August 24, 2013; and

WHEREAS, 2013 marks LATINFEST's eighteenth anniversary year; and

WHEREAS, the last U. S. Census indicates that Albany County's Hispanic population rose 64.3 percent during the last decade and that the Capital Region's Hispanic population grew nearly 80 percent, almost twice the national growth rate of 43 per cent; and

WHEREAS, Latinos contribute in many positive ways to the Capital Region community and to the nation; and

WHEREAS, the Albany Latin Festival Association has established the Albany LATINFEST as a formal and free performance event celebrating Hispanic culture through presentations of local, regional and international Hispanic performing artists. LATINFEST is promoted and produced as a family oriented event and has become the single largest event of its kind in the Capital Region attracting close to 8,000 community members; and

WHEREAS, by presenting the event at Washington Park, LATINFEST will bring a formal cultural presentation to residents who have been under served by traditional cultural institutions and those least able to attend other regional cultural events due to prohibitive costs and transportation

barriers. While this event is designed as a celebration of the cultural contributions of the most rapidly expanding ethnic group in Albany (i.e. Hispanics), the ideal location provides the opportunity for all members of the surrounding Albany community to share in an event that promises to enhance their appreciation of the city's expanding cultural diversity; and

WHEREAS, the Albany Latin Festival Association (ALFA) was founded during the summer of 1996 by Pedro Diaz, Vicente Alfonso, Carlos Maldonado, and other committed community members to feature the music and dance representative of the Hispanic American cultural traditions that have contributed to the contemporary performing arts; and

WHEREAS, LATINFEST has a commitment to young people and to supporting educational opportunity, the Albany Latin Festival Association is proud to present the 2013 Albany Latin Festival Scholarship through its partnership with the 6th Annual ¡Sí, Se Puede! Latino Youth Conference presented by the Capital District YMCA.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby congratulates the festival organizers and supporters of this event, thanks them for their efforts and wishes them success with the 2013 LATINFEST.

**Note: Council Members Smith, Freeman and Konev spoke on this resolution prior to passage.*

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Resolution Number 71.82.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, and Sano

PUBLIC COMMENT PERIOD

1. Helene Brown, 562 Park Avenue, Albany, NY (Bedbugs);
2. Marc Gronich, 300 Hackett Boulevard, Albany, NY (PEGSOB);
3. Dennis Karius, 13 York Road, Guilderland, NY (Public Access Television);
4. Nancy Benedict, 31 Forest Avenue, Delmar, NY (Public Access Television);
5. Lucille Brewer, 345 Northern Boulevard, Albany, NY (CDTA);
6. John James Steinhardt, 680 Central Avenue, Albany, NY (Public Access Television);
7. Jai Pimisir, 20 Moores Court, Niskayuna, NY (Public Access Television);
8. Roger Markovics and Sandy Levin, United Tenants of Albany Incorporated, 33 Clinton Avenue, Albany, NY (Bedbugs);
9. Darlene McGraw, 15 Western Avenue, Apt. 2, Albany, NY (No smoking bus shelters);
10. Andres Rivera, 20 Corlear Street, Albany, NY (Public Safety).

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

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Human Resources and Human Rights – Chairperson Fahey stated that the committee would be meeting on September 11, 2013 at 6:00 p.m. immediately following caucus to get an update from the Department of Administrative Services and to discuss Local Law C-2010 in relation to employee residency.

Planning, Economic Development and Land Use – Chairman Herring stated that the committee would be meeting on August 28, 2013 at 6:00 p.m. immediately following caucus to discuss Resolution Number 69.82.13R appointing Alison Bates to the Planning Board and Ordinance Number 40.82.13 in relation to re-zoning of the properties located at 241 South Allen Street, 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue and the portion of the former Dale Place adjacent to 261 South Allen Street and 70 Onderdonk Avenue.

CONSIDERATION OF ORDINANCES

Council Member Sano introduced ORDINANCE NUMBER 40.82.13, 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 THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE TO MULTIFAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-3A) 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 the properties located at 241 South Allen Street from Single-Family Medium-Density District (R-1B) and Land Conservation District (LC) and 70 Onderdonk Avenue, 68 Onderdonk Avenue, 66 Onderdonk Avenue, 64 Onderdonk Avenue, 62 Onderdonk Avenue, 60 Onderdonk Avenue, 44 Onderdonk Avenue, 42 Onderdonk Avenue, 40 Onderdonk Avenue, 38 Onderdonk Avenue from Single-Family Medium-Density District (R-1B) and the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue to Multifamily Low-Density Residential District (R-3A), said properties being more particularly described as follows:

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

Parcel 1
Section: 64.74
Block: 4
Lot: 21

Said premises more commonly known as 241 South Allen Street measuring 210.00' by 198.00'

Parcel 2

Section: 64.74

Block: 4

Lot: 28

Said premises more commonly known as 70 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 3

Section: 64.74

Block: 4

Lot: 29

Said premises more commonly known as 68 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 4

Section: 64.74

Block: 4

Lot: 30

Said premises more commonly known as 66 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 5

Section: 64.74

Block: 4

Lot: 31

Said premises more commonly known as 64 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 6

Section: 64.74

Block: 4

Lot: 32

Said premises more commonly known as 62 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 7

Section: 64.74

Block: 4

Lot: 33

Said premises more commonly known as 60 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 8

Section: 64.74

Block: 4

Lot: 34

Said premises more commonly known as 44 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 9

Section: 64.74

Block: 4

Lot: 35

Said premises more commonly known as 42 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 10

Section: 64.74

Block: 4

Lot: 36

Said premises more commonly known as 40 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 11
Section: 64.74
Block: 4
Lot: 37

Said premises more commonly known as 38 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 12

Said premises being the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue.

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 offered ORDINANCE NUMBER 39.81.13 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 10 AND 20 DOVE STREET, 218, 220 AND 234 ORANGE STREET AND 201, 207 AND 209 SHERIDAN AVENUE First Street IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE ALBANY COMMUNITY DEVELOPMENT AGENCY), which had been previously introduced, and asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Sano and Smith

Affirmative 12 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 Commisso introduced RESOLUTION NUMBER 68.82.13R, which was held:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH THE OWNER OF 73 ORCHARD AVENUE FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY ADJACENT TO SAID PROPERTY

BE IT RESOLVED, that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with the owner of 73 Orchard Avenue for the use and occupancy of a portion of the City right-of-way adjacent to 73 Orchard Avenue for the construction and maintenance of a driveway upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

Council Member Herring introduced RESOLUTION NUMBER 69.82.13R, which was referred to the Planning, Economic Development and Land Use Committee:

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ALISON BATES AS A MEMBER OF THE PLANNING BOARD

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter appointed Alison Bates as a member of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that Alison Bates be confirmed as a member of the Planning Board for a term of five (5) years, ending December 31st, 2017.

President Pro Tempore Conti asked for and received majority consent to add Resolution Number 70.82.13R to the agenda, which was approved by unanimous voice vote.

Council Member Sano introduced RESOLUTION NUMBER 70.82.13R, and asked for passage and a roll call vote thereon:

Resolution Number 70.82.13R

RESOLUTION CONGRATULATING ED (TODD) CHARTIER ON HIS 100TH BIRTHDAY

WHEREAS, Ed was born on September 4, 1913, when the Mayor of Albany was Republican James Briggs McEwan; and

WHEREAS, Ed is a lifelong resident of Albany; his parent's names were Anna and Frederick Chartier. Anna was a homemaker and Frederick was an insurance agent. Ed had one sister, Dorothy. The Chartier's lived at 435 Clinton Avenue; and

WHEREAS, when Ed was a young boy his parents bought a camp on Cossayuna Lake where Ed enjoyed many years of building boats, enjoying speedboats, sail boating and repairing and building things all the time; and

WHEREAS, Ed attended Albany schools all his life, and graduated from Albany High in 1931; and

WHEREAS, Ed's first job after high school graduation was as an usher at the newly opened Palace Theater. Ed's next job was working for Sterling Winthrop laboratories in Rensselaer, this is where Ed met his wife Jane, and they were married for 49 years before her passing. They had one child Cindy. Ed worked for 42 years at Sterling Winthrop laboratories. Ed retired in 1973 as the supervisor (chemist) in charge of the quality-control lab; and

WHEREAS, in 1973 Ed and family moved to 14 Van Schoick Avenue from 512 Clinton Avenue and has spent many wonderful years on Van Schoick Avenue and has wonderful neighbors and friends there.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates Ed Chartier on his 100th birthday, wishes him continued health and happiness and expresses appreciation for all that he has contributed to the Albany community.

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

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, Sano and Smith

Affirmative 13 Negative 0 Abstain 0

Resolution Number 70.82.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, and Smith

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

MISCELLANEOUS AND UNFINISHED BUSINESS

President Pro Tempore Conti stated the he will schedule a Council Operations and Ethics committee meeting in the near future to address concerns with the PEG Access Oversight Board and to look over the Time Warner Cable franchise agreement.

ADJOURNMENT

President Pro Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of August 19th, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL