

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Thursday, January 21, 2016

The Common Council was convened at 7:00 p.m. and was called to order by President

The roll being called, the following answered to their names: Council Members Applys, Bailey, Commisso, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Council Member Kornegay exited chambers.

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

Council Member Doesschate led the Pledge of Allegiance.

PUBLIC HEARING (Ordinance 53.122.15)

Clerk to the Common Council Nala Woodard read the notice of the public hearing on ORDINANCE NUMBR 53.122.15 (AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 724, 726, 728 AND 730 CENTRAL AVENUE FROM ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT (R-2A) TO HIGHWAY COMMERCIAL DISTRICT (C-2) AND AMENDING THE ZONING MAP ACCORDINGLY) and the following persons spoke:

- 1) Edna Mae Reilly, Destination Kia/Nissan, Central Avenue, Albany, NY (Applicant)
- 2) Allen Lescak, 375 Manning Boulevard, Albany, NY (Support)
- 3) Alfredo Balarin, 408 Manning Boulevard, Albany, NY (Support)

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

PUBLIC HEARING (Ordinance 54.122.15)

Clerk to the Common Council Nala Woodard read the notice of the public hearing on ORDINANCE NUMBER 54.122.15 (AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 76-92 LIVINGSTON AVENUE, 191-250 NORTH PEARL STREET AND 5-13 WILSON STREET FROM ONE- AND TWO-FAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-2B) TO MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-3B) AND AMENDING THE ZONING MAP ACCORDINGLY) and the following persons spoke:

- 1) Chris Spencer, Director of Albany Community Development Agency
- 2) Brenda Robinson, 266 Livingston Avenue, Albany, NY (Oppose)
- 3) Stuart & Beverly Kamson, Property Owner on Livingston Avenue, Albany, NY
- 4) Tracey Cassers, 184 Washington Avenue, Albany, NY
- 5) Roger Markovitz, United Tenants, Albany, NY

PUBLIC COMMENT PERIOD

- 1. Nancy Benedict, 31 Forest Road, Delmar, NY (Fire hydrants markings/enforcing parking laws/snow removal at bus stops);
- 2. Vincent Riguso, 13 Beach Avenue, Albany, NY (Trash fee);
- 3. Margarita Marsh, 700 Central Avenue, Albany, NY (Trash fee/rent control).

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

CONSIDERATION OF LOCAL LAWS:

The local laws on the pending agenda were held at the request of Majority Leader Herring.

REPORTS OF STANDING COMMITTEES:

Ad Hoc Committee on PEG Access – Chairperson Applyrs reported that the committee met on January 19, 2016 with members of the PEG Access Oversight Board, which is at full capacity and recently met, made quorum and established sub-committees. She stated that Valerie Lubanko was present from Corporation Counsel and updated the committee on the interview process and the status of funding for the part time coordinator. The committee will be meeting on January 26, 2016 to receive presentations from Open Stage Media and the Albany Public Library.

Finance, Taxation and Assessment – Chairperson Doesschate reported that the committee will be meeting on January 25- January 27, 2016 to interview temporary members to the Board of Assessment Review with the hope of having discussion on who to select on January 27, 2016.

CONSIDERATION OF ORDINANCES

Council Member O'Brien introduced ORDINANCE NUMBER 1.12.16, which was held

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY REGARDING THE ADDITION OF TRADE SCHOOLS TO THE LIGHT INDUSTRIAL DISTRICT ZONE

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

Section 1. Subsection A of Section 375-75 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-76. C-M Light Industrial District.

A. Principal permitted uses shall be as follows:

- (38) Trade schools

Section 2. The Council finds and declares that this action is a Type I action under Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and declares itself Lead Agency.

Section 3. This ordinance shall take effect immediately.

The remaining Ordinances on the pending agenda were held at the request of Majority Leader Herring.

CONSIDERATION OF RESOLUTIONS

Council Member Bailey introduced RESOLUTION NUMBER 6.12.16R, asked for passage and a roll call vote thereon:

A RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE ALBANY HOUSING AUTHORITY AND PUBLIC EMPLOYEES FEDERATION, AFL-CIO, DIVISION 503

RESOLVED, that pursuant to Section 32, of Article 3, of the New York State Public Housing Law, for the purpose of fixing compensations, the Albany Housing Authority is hereby authorized and empowered to execute a collective bargaining agreement with Public Employees Federation, AFL-CIO, Division 503, together with such other forms necessary to effectuate the purposes thereof.

The resolution passed by unanimous voice vote of all Council Members elected voting in favor thereof.

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

Negative - Robinson

Affirmative 12 Negative 1 Abstain 0

Council Member O'Brien introduced RESOLUTION NUMBER 7.21.16R, which was held

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED ADDITION OF TRADE SCHOOLS TO THE C-M ZONING DISTRICT

WHEREAS, Ordinance 1.12.16 was introduced by the City of Albany Common Council on January 22, 2016, which proposes to amend the principally permitted uses under the Light Industrial District (C-M) to allow for trade schools; and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on January 22, 2016 in connection with the proposed rezoning; and

WHEREAS, the Common Council received a Full Environmental Assessment Form, in conjunction with said proposed ordinance; and

WHEREAS, the action 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 rezoning is determined to be a Type I action pursuant to SEQRA; and

WHEREAS, the record demonstrates that the rezoning will not have a significant adverse environmental impact, and that a Negative Declaration of Environmental Significance should be issued.

NOW, THEREFORE, BE IT RESOLVED, that based upon the review and consideration of the Full Environmental Assessment Form and public comments, the Common Council finds and declares the action to be Type I pursuant to the New York State Environmental Conservation Law, and its implementing regulations, and having duly considered the entire record before it, declares that the addition of trade schools to the principally permitted uses in Light Industrial District (C-M) zones, has no potentially significant adverse impacts upon the environment, as that term is defined in SEQRA, will not require the preparation of a full Environmental Impact Statement and therefore issues a Negative Determination of Environmental Significance.

RESOLVED, that this resolution shall take effect immediately.

Council Member Herring introduced RESOLUTION NUMBER 8.12.16R, which was referred to the Planning, Economic Development and Land Use Committee:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF CHRISTOPHER T. BURKE AS A MEMBER OF THE ALBANY PARKING AUTHORITY

RESOLVED, that in accordance with Section 1493-c of the Public Authorities Law of the State of New York, the Common Council hereby consents to the Mayor’s appointment of Christopher T. Burke as a member of the Albany Parking Authority, for a term of office expiring January 2, 2019.

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

Council Member Herring introduced RESOLUTION NUMBER 9.12.16R, which was referred to the Planning, Economic Development and Land Use Committee:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF KEVIN O’CONNER AS A MEMBER OF THE ALBANY PARKING AUTHORITY

RESOLVED, that in accordance with Section 1493-c of the Public Authorities Law of the State of New York, the Common Council hereby consents to the Mayor’s appointment of Kevin O’Conner as a member of the Albany Parking Authority, for a term of office expiring on January 2, 2020.

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

Council Member Herring introduced RESOLUTION NUMBER 10.12.16R, which was referred to the Planning, Economic Development and Land Use Committee:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF JEFFREY SPERRY AS A MEMBER OF THE ALBANY PARKING AUTHORITY

RESOLVED, that in accordance with Section 1493-c of the Public Authorities Law of the State of New York, the Common Council hereby consents to the Mayor's appointment of Jeffrey Sperry as a member of the Albany Parking Authority, for a term of office expiring January 2, 2021.

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

Council Member Herring asked and received majority consent to add Resolution Numbers 11.12.16R and 12.12.16R to the pending agenda, which was approved by unanimous voice vote.

Council Member Doesschate introduced RESOLUTION NUMBER 11.12.16R, which was held:

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REMISSION OF INTEREST REGARDING THOSE PROPERTY OWNERS WHO REMIT THEIR 2016 PROPERTY TAXES DUE TO THE CITY OF ALBANY FROM FEBRUARY 1 THROUGH AND INCLUDING FEBRUARY 29, 2016 AND REQUESTING THAT THE ALBANY COUNTY LEGISLATURE PASS LEGISLATION AUTHORIZING SUCH CANCELLATION OF INTEREST

WHEREAS, the 2016 City of Albany property tax bill mailing process initially had errors that caused some property owners to receive multiple tax bills and some property owners not to receive a tax bill until such errors were identified and corrected through a subsequent mailing, and such errors resulted in the delayed notification of the tax liability for some taxpayers and caused confusion for certain taxpayers as to their tax liabilities; and

WHEREAS, Section 1182 of the New York State Real Property Tax Law (RPTL) authorizes that if the governing body of any tax district shall determine that it is for the best interests of the tax district, it shall have the power, by resolution, to authorize the enforcing officer to permit the cancellation in whole or in part of any interest, penalties or other charges imposed by law to which the tax district or any other municipal corporation shall be lawfully entitled; provided, however, that in cases where such interest, penalties, or other charges, if collected by the tax district, belong to a municipal corporation therein, no reduction or remission in whole or in part of such interest, penalties, or other charges shall be made without the consent of the municipal corporation affected, which consent may be given by resolution adopted after a public hearing; and

WHEREAS, the Common Council of the City of Albany, as the municipal corporation affected, consents to the remission of interest as it pertains to the 2016 property taxes which are due to the City of Albany on or before January 31, 2016 and that are remitted from February 1 through and including February 29, 2016; and

WHEREAS, to assist those property owners affected by any tax bill mailing errors, the Common Council requests that the Albany County Legislature, as the governing body of the tax district, pass legislation authorizing the appropriate County Officials to permit the cancellation of any interest imposed by law to which the City is lawfully entitled regarding the payment of the 2016 property taxes which are

due to the City of Albany on or before January 31, 2016 and that are remitted from February 1 through and including February 29, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany, as the municipal corporation affected, consents to the remission of interest as it pertains to the 2016 property taxes which are due to the City of Albany on or before January 31, 2016 and that are remitted from February 1 through and including February 29, 2016.

BE IT FURTHER RESOLVED, that the Common Council requests that the Albany County Legislature, as the governing body of the tax district, pass legislation authorizing the appropriate County officials to permit the cancellation of any interest imposed by law to which the City is lawfully entitled regarding the payment of the 2016 property taxes which are due to the City of Albany on or before January 31, 2016 and that are remitted from February 1 through and including February 29, 2016.

Council Member Doesschate introduced RESOLUTION NUMBER 12.12.16R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY FOR THE POSITION OF SENIOR LEGISLATIVE AIDE FOR THE 2016 BUDGET

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, the 2016 Budget must be amended to reflect the adjustment in salary that was approved by the Common Council on August 17, 2015 regarding the position of Senior Legislative Aide.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary total for the position of Senior Legislative Aide for the 2016 Budget.

The resolution passed by unanimous voice vote of all Council Members elected voting in favor thereof.

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

Affirmative 13 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS:

Majority Leader Herring offered the following, which was approved by unanimous voice vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2016, AND WAIVE THE READING OF THE NAMES:

1. Francis Allen, 60 South Pearl Street Albany, NY 12207 (Albany County Probation)
2. Melissa Ciaccia, 60 South Pearl Street Albany, NY 12207 (Albany County Probation)
3. Michael Mazzeo, 60 South Pearl Street Albany, NY 12207 (Albany County Probation)
4. Kailyn Welling, 60 South Pearl Street Albany, NY 12207 (Albany County Probation)
5. Clarence Samuel Johnson, P.O. Box #62 Albany, NY 12110 (place of business in Albany)

Council Member Comisso discussed concerns on internal controls relating to budget transfers and required signature.

Council Member Fahey discussed the passing of a resolution regarding Islamophobia in relation to the national election. She discussed the importance of there being a level of civility. She encouraged being civil to one another and to members of the public. She discussed not letting differences amongst Council Members be taken personally. She discussed an online posting that appeared to be personal and wanted to appeal to everyone to keep things civil and to be role models.

ADJOURNMENT

A motion was made for adjournment.

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

A true record of the Common Council Minutes of January 21st, 2016.

CASHAWNA PARKER
Legislative Aide to the Council