

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, November 4, 2013

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

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, and Sano.

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

Council Member Calsolaro led the Pledge of Allegiance.

PUBLIC HEARING

Clerk to the Common Council Nala Woodard read the notice of the public hearing on **City of Albany 2014 Proposed Budget**. The following persons spoke:

1. Harris Oberlander, 38 Van Schoick Avenue, Albany, NY;
2. Lisa Good, 41 Bonheim Street, Albany, NY;
3. Becky Purtz, 40 Cortland Place, Albany, NY;
4. Virginia Hammer, 52 South Allen Street, Albany, NY;
5. John Hammer, 52 South Allen Street, Albany, NY;
6. Martin Daley, 564 Myrtle Avenue, Albany, NY;
7. Clarence Jackson, 23 Borrow Street, Albany, NY;
8. Phil Hansen, 22 Manning Boulevard, Albany, NY;
9. Joseph Ginnetto, 104 North Pine Street, Albany, NY.

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

PUBLIC COMMENT PERIOD

1. Lorenz M. Worden, 127 South Pine Avenue, Albany, NY (Madison Avenue traffic calming);
2. Jonathan Tenace, 264 Delaware Avenue, Albany, NY (2 a.m. bar closing);
3. Rocco Bianchino, 6411 Zion Road, Albany, NY (2 a.m. bar closing);
4. Rheannon Harmon, 21 Carroll Street, Albany, NY (2 a.m. bar closing);
5. Lucas Vogel, 92 Willett Street #5A, Albany, NY (2 a.m. bar closing);
6. Doris Coles, 232 First Street, Albany, NY (Fire at 232 First Street);
7. Amy Phillips, 275 Elm Street, Albany, NY (2 a.m. bar closing).

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

8. Anne Savage, 101 Lenox Avenue, Albany, NY (Madison Avenue traffic calming);
9. Vincent Riguso, 13 Beach Avenue, Albany, NY (Tax exempt properties);
10. Karen Cunniff, Crosswell Street, Albany, NY (Madison Avenue traffic calming);
11. Dennis Gaffney, 51 Lawnridge Avenue, Albany, NY (Madison Avenue traffic calming);

12. Darlene McGraw, 15 Western Avenue, Albany, NY (Audible Signals/Signage at intersections);
13. Greg Teresi, 387 Madison Avenue, Albany, NY (2 a.m. bar closing).

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

CONSIDERATION OF LOCAL LAWS

President Pro-Tempore Conti made a motion to discharge Local Law C-2013 from committee, which was approved by unanimous voice vote.

Council Member Sano asked for passage of Local Law C-2013 (A LOCAL LAW AMENDING ARTICLE XV (HOMESTEAD AND NONHOMESTEAD BASE PROPORTIONS) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY), which had been previously introduced.

The local law passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien and Sano

Affirmative 11 Negative 0 Abstain 0

Local Law C-2013 was co-sponsored by Council Member Konev.

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

REPORTS OF STANDING COMMITTEES

Finance, Taxation and Assessment – Chairperson Sano stated that the committee has been meeting with departments on their departmental budgets.

CONSIDERATION OF ORDINANCES

The ordinances on the agenda were held at the request of Majority Leader Herring.

CONSIDERATION OF RESOLUTIONS

Council Member O'Brien offered RESOLUTION NUMBER 91.111.14R, 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 182 NORTH ALLEN STREET

WHEREAS, Ordinance 45.92.13 was introduced by the City of Albany Common Council on September 16, 2013, which proposed rezoning the property located at 182 North Allen Street from One- and Two-Family Residential District (R-2C) to Neighborhood-Commercial District (C-1), and

WHEREAS, the City of Albany has received a short Environmental Assessment Form (short EAF), 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 182 North Allen Street and hereby declares itself lead agency pursuant to and under SEQRA;

RESOLVED, that this resolution shall take effect immediately.

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

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien and Sano

Affirmative 11 Negative 0 Abstain 0

Resolution Number 91.111.14R was co-sponsored by Council Member Konev.

Council Member Calsolaro offered RESOLUTION NUMBER 92.111.14R, which was held:

RESOLUTION OF THE COMMON COUNCIL URGING GOVERNOR CUOMO TO CONTINUE THE MORATORIUM ON HIGH-VOLUME HYDRAULIC FRACTURING AND TO ADVANCE A RENEWABLE ENERGY ECONOMY IN NEW YORK STATE

WHEREAS, New York State has historically led the nation in matters of advancing social progress, including the abolition of slavery, women’s suffrage, civil rights and environmental stewardship; and

WHEREAS, scientific evidence shows that the heavy industrial process of unconventional gas extraction by hydraulic fracturing poses serious risk of water contamination, air pollution, and health impacts; and

WHEREAS, the New York State Medical Society, representing 30,000 medical experts, the American Academy of Pediatrics of New York, the American Lung Association of New York and many independent medical experts and scientists have called on Governor Andrew Cuomo and the New York State legislature to continue New York’s moratorium on hydraulic fracturing and to conduct further health studies including a comprehensive health impact assessment; and

WHEREAS, data from Pennsylvania and the gas industry on well casing integrity show an immediate 5% or higher failure rate and as much as 50% or more over 30 years raise serious concerns of water contamination; and

WHEREAS, high-volume hydraulic fracturing threatens to negatively impact property values, disrupt municipal tax-bases and could effectively create an additional unfunded state mandate – as has

been raised by the New York State Association of Counties - by imposing costs and strains on municipalities such as road damage and increased demands on municipal services, etc; and

WHEREAS, in addition to emissions of carbon dioxide and other heat-trapping gases associated with gas development activities, hydraulic fracturing gas development releases methane in the atmosphere, which is at least 72 times more potent in the atmosphere than carbon dioxide on a 20-year timescale and 25 times on a 100-year timescale, thereby making the process potentially disastrous for climate change; and

WHEREAS, New York communities have been significantly affected by the impacts of Hurricanes Irene and Sandy as well as lesser storms including Tropical Storm Lee, extreme weather events that are connected to/exacerbated by climate change due to increases in heat-trapping gases in the atmosphere, costing New Yorkers tens of billions of dollars in damages and lost business opportunities; and

WHEREAS, significant action is necessary to address climate change, action which the federal government has to date failed to take, including energy conservation and advancing a clean energy infrastructure and making a significant economic transition to renewable sources; and

WHEREAS, expansion of renewable energy and energy efficiency present the opportunity to create a significant number of jobs for New Yorkers and for New York State to lead the nation on a visionary energy policy that will protect our water, air, land and public health while developing climate solutions; and

WHEREAS, Governor Cuomo's Administration has already demonstrated significant leadership on innovative clean energy programs including the investment of \$1.5 billion in New York Sun, opening 360 electric vehicle charging stations that will be available for both public and county fleet vehicles, establishing the successful Regional Economic Development Councils, and creating the innovative Start-Up NY; and

WHEREAS, the City of Albany will work with Governor Cuomo and New York State Agencies as is most effective to implement existing renewable energy and efficiency programs as well as to partner on economic development initiatives including the New York State Regional Economic Development Councils and the Start-Up NY as vehicles to catalyze investment and jobs programs.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany urges Governor Cuomo and the New York State agencies which he leads to take swift action in developing and adopting an economic development plan that will significantly reduce the state's greenhouse gas emissions as well as rapidly create and deploy renewable energy and energy efficiency programs throughout municipalities in New York State; and

BE IT FURTHER RESOLVED, that the City of Albany stands ready to work with the Governor to achieve these goals that will in the process create safe, sustainable jobs for New Yorkers and pioneer the path forward for the nation to solve the climate crisis and provide real, clean solutions for generations to come.

President Pro Tempore Conti asked and received majority consent to add Resolution Numbers 93.11.14R and 94.11.14R to the pending agenda, which was approved by unanimous voice vote.

Council Member Sano offered RESOLUTION NUMBER 93.11.14R, asked for passage and a roll call vote thereon:

Resolution Number 93.111.13R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE TRANSFER OF BUDGETED FUNDS FOR THE 2013 FISCAL YEAR REGARDING THE COLLECTIVE BARGAINING AGREEMENT WITH THE ALBANY POLICE OFFICERS UNION, LOCAL 2841, LAW ENFORCEMENT OFFICERS UNION COUNCIL 82, AFSCME, AFL-CIO (CIVILIANS UNIT)

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

WHEREAS, the City of Albany has negotiated a collective bargaining agreement with the Albany Police Officers Union, Local 2841, Law Enforcement Officers Union Council 82, AFSCME, AFL-CIO (Civilians Unit).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds and that adjustments be made for the 2013 fiscal year pursuant to the collective bargaining agreement with the Albany Police Officers Union, Local 2841, Law Enforcement Officers Union Council 82, AFSCME, AFL-CIO (Civilians Unit).

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

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien and Sano

Affirmative 11 Negative 0 Abstain 0

Council Member Sano offered RESOLUTION NUMBER 94.111.14R, asked for passage and a roll call vote thereon:

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE TRANSFER OF BUDGETED FUNDS FOR THE 2013 FISCAL YEAR REGARDING THE COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 106

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

WHEREAS, the City of Albany has negotiated a collective bargaining agreement with the International Union of Operating Engineers, Local 106.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds and that adjustments be made for the 2013 fiscal year pursuant to the collective bargaining agreement with the International Union of Operating Engineers, Local 106.

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

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien and Sano

Affirmative 11 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Commisso stated that he felt the business of the Council was being discussed too late in the evening and that rules relating to public comment should be reviewed to insure that the topics being raised at public comment be relevant to the business of that evening and offering additional opportunities to the public to discuss issues that are not up for immediate consideration.

Council Member Golby discussed the importance of continuing with the Madison Avenue traffic calming plan.

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 November 4th, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL