

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, December 15, 2014

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 Appllys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

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

Council Member Golby led with the Pledge of Allegiance.

Council President McLaughlin gave her end of the year speech.

PUBLIC COMMENT

1. Daniel Platt, 185 Elk Street, Albany, NY (New York Health Bill);
2. Roberta Sims, 291 Northern Boulevard, Albany, NY (Livingston Apartments);
3. Jesse Calhoun, 609 Providence Street, Albany, NY (2015 budget);
4. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Various issues);
5. Andres Rivera, 20 Corlear Street, Albany, NY (Budget/Commission on Human Rights).

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 from the October 6, 2014 meeting, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

Parks, Recreation and Family Services - Chairperson Fahey stated that the committee met on December 12, 2014 to discuss Ordinance Number 42.81.14 in relation to establishing a parks and recreation commission which was reported out of committee favorably with amendments.

Human Resources and Human Rights – Chairperson Fahey stated that the committee will be meeting on December 16, 2014 at 5:30 p.m. to discuss Local Law F-2014 in relation to employee residency requirement and Resolution Number 116.122.14R appointing Sabrina Lynn Maples to the Commission on Human Rights.

Finance, Taxation and Assessment – Chairperson Commisso stated that the committee met on December 10, 2014 to discuss Resolution Number 99.101.14R urging Mayor Sheehan to renegotiate the surrounding

community agreement with Saratoga Harness Racing to use funding for the city of Albany budget because the NYS Gaming Board decision should be coming in this week and the sponsor would like to consider this resolution at the first meeting in January 2015.

CONSIDERATION OF ORDINANCES

Council Member Fahey made a motion to amend ORDINANCE NUMBER 47.101.14 (AN ORDINANCE AMENDING ARTICLE XLI (GENERAL PROVISIONS) OF PART 30 (PARKS AND RECREATION PLANNING COMMISSION) OF THE CODE OF THE CITY OF ALBANY), which was approved by unanimous voice vote.

**Note: Council Member Fahey spoke on this amendment prior to passage.*

The amendment 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 Fahey asked for passage of ORDINANCE NUMBER 47.101.14 (As Amended) and a roll call vote thereon:

AN ORDINANCE AMENDING ARTICLE XLI (GENERAL PROVISIONS) OF PART 30 (PARKS AND RECREATION PLANNING COMMISSION) OF THE CODE OF THE CITY OF ALBANY

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

Section 1. Article XLI of Part 30 of the Code of the City of Albany is hereby repealed in its entirety and a new Article XLI is hereby enacted to read as follows:

**ARTICLE XLI
GENERAL PROVISIONS**

§ 42-316. Legislative intent; purpose.

The Common Council recognizes and finds that the development of a long-term plan for the utilization of Albany's park and recreational facilities is a valuable tool for using limited tax dollars to their best advantage and for identifying and leveraging additional funds from other sources. The purpose of the Commission created hereby is to seek the involvement and input of the general public, as well as the many recreational service providers and interested organizations in and around the City of Albany.

§ 42-317. Establishment of Parks and Recreation Planning Commission.

The Common Council hereby establishes the Parks and Recreation Planning Commission. The Commission shall serve as an advisory body in developing a comprehensive five-year plan for the City's parks and recreation programs. The Commission will expire 12 months from the date of its creation or when the final report is completed and submitted to the Common Council and the Mayor.

§ 42-318. Membership; term; vacancies.

- A. The Parks and Recreation Planning Commission shall be composed of seven voting members: three appointed by the Mayor; and four appointed by the Common Council. The members shall be residents of the City of Albany who possess an interest in Albany's parks and/or recreation services and have a time commitment to serve. The members shall be broadly representative of the City's residents, including the population's characteristics and geographic distribution and shall serve without compensation. Organizations with an interest in City recreational planning, including neighborhood associations, school groups, social welfare agencies and senior citizen organizations shall be encouraged to submit nominees for appointment. Individuals also will be encouraged to submit names for consideration.
- B. The members shall be appointed for the duration of the Commission's existence. Vacancies shall be filled in the same manner as the original appointment.
- C. The Common Council will designate one of the voting members as Chairperson.
- D. There shall also be six [~~four~~] ex officio members of the Commission who shall be the City Commissioner of [~~Parks and~~] Recreation or designee, the Commissioner of General Services [~~Planning and Neighborhood Development~~] or designee, the Director of Planning or designee, the Superintendent of the City School District of Albany or designee and two members of the Common Council to be appointed by the Common Council President. Ex officio members shall serve without vote and provide the citizen members with information and advice as to the City's [~~and school district's~~] present and anticipated capabilities, resources and priorities concerning parks management, programs and strategies.

§ 42-319. Powers and duties.

- A. The Commission shall provide an opportunity and forum for public involvement and perspective in developing short- and long-term recommendations for park improvements and recreational activities. The Commission shall have the authority to form committees and to hold public hearings.
- B. The short-term goals of the Commission shall include:
 - 1. Completing an inventory and evaluation of park and playground facilities and recreational services available to City residents, including those owned or funded by the City, [~~school district, other governmental entities, not for profit and volunteer organizations;~~] [~~R~~] reviewing and evaluating park maintenance and forestry standards and practices;
 - 2. An analysis of the use of existing parks by residents and the parks and recreational programs within each ward;
 - 3. Reviewing and evaluating annual operating budget and capital improvement budget.
- C. A written report of the Commission's findings in these regards shall be submitted to the Mayor and Common Council within seven months [~~60 days~~] of the Commission's creation.
- D. Upon completing the evaluations, the Commission shall develop a comprehensive, long-term plan for the City parks and recreational services to be submitted to the Common Council for approval. The plan shall include:
 - 1. Findings from the outreach efforts conducted by the Commission;

2. Recommendations for maintenance and forestry standards;
3. Establishing goals for use of parkland in the City of Albany;
4. Recommendations for establishing a permanent Parks and Recreation Citizens Advisory Commission;
5. A phased implementation list for park and recreational improvements that will be prioritized based on project feasibility.
6. Suggestions for improvements to existing parks and programs and the cost associated with such improvements along with suggestions on reducing expenses;
7. Any other item related to parks and recreation development, planning or programming which may be referred to the Commission by the City Council or the Mayor or any park policy matter of concern to a Commission member or the community.

Section 2. This ordinance shall take effect immediately.

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

Ordinance Number 42.81.14 (As Amended) was co-sponsored by Council Member Robinson.

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

CONSIDERATION OF RESOLUTIONS

Council Member Conti introduced RESOLUTION NUMBER 113.122.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY FOR THE POSITION OF CITY CLERK FOR THE 2015 BUDGET

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any salary hanges 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 Common Council require an adjustment in salary for the position of City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the increase in budgeted salary for the position of City Clerk for the 2015 Budget.

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

Negative – Bailey, Commisso, Flynn and Krasher
Affirmative 11 Negative 4 Abstain 0

Council Member Conti introduced RESOLUTION NUMBER 114.122.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY FOR THE POSITION OF ASSESSOR FOR THE 2015 BUDGET

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 City require an adjustment in salary for the position of Assessor.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the increase in budgeted salary for the position of Assessor for the 2015 Budget.

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

Negative – Bailey, Commisso, Flynn and Krasher
Affirmative 11 Negative 4 Abstain 0

Council Member Kornegay introduced RESOLUTION NUMBER 115.122.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ADJUSTMENT OF SALARIES IN THE FIRE DEPARTMENT FOR THE 2015 BUDGET

WHEREAS, Section 603(D)(b) of the Charter of the City of Albany requires any personnel titles or 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 Fire Department requires the skills and abilities of an additional Captain Paramedic and three Lieutenant Paramedics rather than those of two Firefighter Top Grade Paramedics and two Firefighter Grade 1 Paramedics.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the creation of an additional position of Captain Paramedic and three additional positions of Lieutenant Paramedics and the elimination of two Firefighter Top Grade Paramedics positions and two Firefighter Grade 1 Paramedics positions within the Fire Department for the 2015 Budget.

**Note: Council Members Krasher and Commisso 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, Doeschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay, O’Brien and Robinson

Negative – Bailey, Commisso, Flynn and Krasher
Affirmative 11 Negative 4 Abstain 0

Council Member Fahey introduced RESOLUTION NUMBER 116.122.14R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL APPOINTING SABRINNA LYNN MAPLES AS A MEMBER OF THE COMMISSION ON HUMAN RIGHTS

WHEREAS, the Common Council of the City of Albany, pursuant to the Section 42-362 of Chapter 42 of the Code of the City of Albany, appoints Sabrina Lynn Maples as a member of the Commission on Human Rights to fill an unexpired term.

NOW, THEREFORE, BE IT RESOLVED, that Sabrina Lynn Maples is hereby appointed as a member of the City of Albany Commission on Human Rights for a term ending on August 21, 2016.

The resolution passed by the following voice 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 Herring introduced RESOLUTION NUMBER 117.122.14R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL AMENDING THE TERM OF ANDREA J. LAZARSKI AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Common Council confirmed the appointment of Andrea J. Lazarski as a member of the Historic Resources Commission via Resolution 88.102.13R on October 21, 2013; and

WHEREAS, the resolution before the Council contained an incorrect term of office.

NOW, THEREFORE, BE IT RESOLVED, that the term of Andrea J. Lazarski as a member of the Historic Resources Commission shall be amended to end on December 31st, 2015.

The resolution passed by the following voice 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 Herring introduced RESOLUTION NUMBER 118.122.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ADJUSTMENT OF SALARIES IN THE POLICE DEPARTMENT FOR THE 2015 BUDGET

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 Police Department require adjustments in salaries for the positions of Chief, Deputy Chief and Commanders.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the increase in budgeted salaries for the positions of Chief, Deputy Chief and Commanders in the Police Department for the 2015 Budget.

**Note: Council Members O'Brien, Golby, Herring, and Commisso 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 – Applrys, Conti, Doeschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien and Robinson

Negative – Bailey, Commisso, Flynn, Krasher and O'Brien

Affirmative 10 Negative 5 Abstain 0

Resolution Number 118.122.15R was co-sponsored by Council Members Golby and Kimbrough.

President Pro Tempore Conti asked and received majority consent to add Resolution Numbers 119.122.15R, 120.122.15R and 121.122.15R to the pending agenda, which was approved by unanimous voice vote.

Council Member Bailey introduced RESOLUTION NUMBER 119.122.14R (MC), asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL HONORING THE LATE BROTHER YUSUF BURGESS FOR HIS CONTRIBUTIONS TO THE CITY OF ALBANY AND TO HIS COMMITMENT TO YOUTH DEVELOPMENT AND ENVIRONMENTAL EDUCATION

WHEREAS, Brother Yusuf Burgess changed thousands of lives for the better by connecting young people to the natural world and by his example of leadership, kindness, and strength, and

WHEREAS, Brother Yusuf grew up in the Marcy Projects in Brooklyn in the 1950s and 1960s. He would escape the projects to visit Prospect Park and there, fell in love with nature, and

WHEREAS, despite many personal difficulties early on, he became known throughout the United States for his pioneering work taking inner-city youths into the Adirondacks, kayaking, camping, skiing, hiking, and fly-fishing, and

WHEREAS, Brother Yusuf Burgess was coordinator of the Department of Environmental Conservation's Capital District Campership Diversity Program. He previously worked at Green Tech High Charter School and the Albany Boys and Girls Club, and he founded a nonprofit group that helped former prison inmates re-enter society. He also started Youth Ed-Venture and Nature Network to help take inner-city children on trips into the wild. He was a founding member of the New York State Outdoor Education Association Diversity Committee, and

WHEREAS, for years he helped build the Children and Nature Network, most recently as a C&NN Board Member Emeritus. In 2011, Burgess was honored as a Hidden Hero by the Andrew Goodman Foundation for his work with Green Tech High's Boys Outdoor Leadership Program. Among those at the ceremony were Cicely Tyson, Harry Belafonte, Billie Jean King, and Governor David Patterson.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council pauses in its deliberations to recognize the contributions of this remarkable individual, Brother Yusuf Burgess, and mourns the passing of this energetic and committed person who cared deeply for the youth of the City of Albany.

BE IT FURTHER RESOLVED, that Brother Yusuf liked to end his emails with a quote from Margaret Mead and the Common Council would like to close this resolution with this same quote, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

**Note: 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, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 119.122.15R (MC) was co-sponsored by Council Members Applrys, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Council Member Herring introduced RESOLUTION NUMBER 120.122.14R (MC), which was referred to the Planning, Economic Development and Land Use Committee.

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF G. MICHAEL APOSTOL AS A MEMBER OF THE BOARD OF ZONING APPEALS

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter appointed G. Michael Apostol as a member of the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED, that G. Michael Apostol is confirmed as a member of the Board of Zoning Appeals to a term ending December 31st, 2017.

Council Member Herring introduced RESOLUTION NUMBER 121.22.14R (MC), which was referred to the Planning, Economic Development and Land Use Committee.

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF BRITTANY D. PEOPLES AS A MEMBER OF THE BOARD OF ZONING APPEALS

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter appointed Brittany D. Peoples as a member of the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED, that Brittany D. Peoples is confirmed as a member of the Board of Zoning Appeals to a term ending December 31st, 2017.

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

MISCELLANEOUS AND UNFINISHED BUSINESS

Council member Dan Herring offered the following, which was adopted 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:

388 Names

Council Member Krasher discussed characterizations of each other during meetings and discussed that there are policy differences that some Council Members are not in support of. He discussed supporting the Mayor’s election and discussed being title “Leaders of Dissent.” He discussed backing up evidence with facts and politics.

President Pro Tempore requested the Council meeting be adjourned in silence to honor Brother Yusef Burgess.

ADJOURNMENT

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

A true record of the Common Council Minutes of November 17th, 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
COMMON COUNCIL