

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

**Monday, October 19, 2015**

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, Conti, Doesschate, Fahey, Flynn, Golby, 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 Applys 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 PROPOSED 2016 BUDGET and the following persons spoke:

1. John Sanborn, 133 Jefferson Street, Albany, New York
2. Judd Feinman, PO Box 1160, Albany, New York 12211
3. Vincent Riguso, 13 Beach Avenue, Albany, New York
4. John Keenan, 600 Broadway, Albany, New York
5. Raymond Dansereau, 275 South Main Avenue, Albany, New York

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

## **PUBLIC COMMENT PERIOD**

1. Richard Berkley, Chair Board of Zoning Appeals, Albany, New York (Building Director position & BZA Appointments/statewide energy reduction program)
2. Brian Levine, 544 Washington Avenue, Albany, New York (Buildings and Regulatory Compliance Director position)
3. Alex Willis, Genesus Construction, Albany, New York (Jobs)
4. Jasmine Morris, 31 Garden Street, Albany, New York (Jobs)

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

## **CONSIDERATION OF LOCAL LAWS:**

Council Member Fahey introduced LOCAL LAW I-2015, which was referred to the Parks, Recreation and Family Services Committee:

**A LOCAL LAW AMENDING ARTICLE XLII (ESTABLISHMENT; MEMBERSHIP; POWERS AND DUTIES) OF PART 31 (CHARTER REVISION COMMISSION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE**

**REPEAL THEREOF, AND ENACTING A NEW ARTICLE XLII ENTITLED: "CITY OF ALBANY YOUTH COUNCIL" AND PROVIDING FOR THE ESTABLISHMENT THEREOF**

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

**Section 1. Article XLII of Part 31 of the Code of the City of Albany is hereby repealed in its entirety and amended to read as follows:**

**ARTICLE XLII  
CITY OF ALBANY YOUTH COUNCIL**

**§ 42-322. Legislative intent; purpose.**

The Common Council recognizes and finds that Albany's youth stand to benefit when they are provided with a formal role in local decision making and an opportunity to develop their leadership skills. The opportunity for youth to learn and participate in city governance will create a more educated adult citizenry who is more likely to be involved in government and civic affairs.

**§ 42-323. Establishment of City of Albany Youth Council.**

The Common Council hereby establishes the City of Albany Youth Council. The Council shall serve as an advisory body to the Mayor, Common Council and Department of Youth and Workforce Services.

**§ 42-324. Membership; term; vacancies.**

- A. The Youth Council shall be composed of seventeen voting members appointed by the Mayor. The Common Council may offer recommendations to the Mayor. The members shall be residents of the City of Albany who are in good academic standing and have a proven record of leadership, goal-setting, commitment to community service and community values and who want to create positive opportunities for other youth in the community. Members shall be of the ages of thirteen to nineteen, but may serve the remainder of their term upon reaching the age of nineteen.
- B. The members shall serve two year terms, however eight of the members initially appointed shall serve a one year term. Vacancies shall be filled in the same manner as the original appointment.
- C. The chair, vice-chair, secretary and treasurer shall be selected by the Youth Council.

**§ 42-325. Powers and requirements.**

- A. The Youth Council shall serve as an official body to advise the Mayor, Common Council and Department of Youth and Workforce Services and shall meet monthly on issues affecting parks and recreation, youth justice, public safety, education, the environment, arts and culture, human services and transportation in the City and any issues referred to it by the Mayor, Common Council or Department. The Youth Council shall also review and advise officials in the operation of the LIGHT (Learning, Initiative and Gaining Headway Together) Summer Youth Employment Program.

- B. Each member shall attend at least one Common Council meeting during their term and report to the full Youth Council.
- C. The Youth Council shall hold quarterly meetings with the Mayor and Common Council President.
- D. The Youth Council shall present an annual report in December of each year to the Mayor, Common Council and Commissioner of Youth and Workforce Services.

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

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

**REPORTS OF STANDING COMMITTEES:**

**Law, Buildings and Code Enforcement** – Chairperson Igoe stated that the committee met October 7, 2015 to discuss Ordinance Number 46.101.15 in relation to bus parking fees, which was reported out of committee favorably. The committee also discussed Resolution Number 74.101.15 Rappointing Robert Magee director of the Department of Buildings and Regulatory Compliance, which was reported out of committee favorably

**Finance, Taxation and Assessment** – Chairperson Commisso reported that the committee held three meetings last week with three meetings scheduled for this week. The Department of Parks and Recreation sand The Department of General Services will be presenting their proposed budgets tomorrow, October 20, 2015.

**Public Safety** – Chairperson Golby - hands on taser training taking place 10-4 on Sat. 11/14 at APD training center on Washington Av ext

Applrys - meeting 11/9 at 5:30pm

**CONSIDERATION OF ORDINANCES**

**Council Member Conti introduced ORDINANCE NUMBER 47.102.15, which was held.**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO CERTAIN PROPERTIES LOCATED IN THE TOWN OF COEYMANS, NEW YORK AT PRIVATE SALE TO THE STATE OF NEW YORK**

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

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the City-owned properties located in the Town of Coeymans, New York known as Stylababrack Road (Tax Map #144.-2-18), 320 Old Ravena Road (Tax Map #144.-2-20) and River Road (Tax Map #156.-3-1.2) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the State of

New York.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.

Section 3. The Council finds and declares that this action is a Type 1 action under the New York State Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and declares that the conveyance has no potentially significant adverse impacts upon the environment and therefore issues a Negative Declaration of Environmental Significance.

Section 4. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

**Section 5. This ordinance shall take effect immediately.**

**Council Member Bailey asked for passage of ORDINANCE NUMBER 45.101.15 (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT AIR EASEMENT OVER A PORTION OF THE CITY RIGHT-OF-WAY OF HOWARD STREET IN THE CITY OF ALBANY FOR THE CONSTRUCTION OF A PEDESTRIAN BRIDGE), which had been previously introduced - 14-0**

**The ordinance passed by the following voice vote of all the Council Members elected voting in favor thereof:**

Affirmative – Applrys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

**Affirmative 14 Negative 0 Abstain 0**

**Council Member Igoe asked for passage of ORDINANCE NUMBER 46.101.15 (AN ORDINANCE AMENDING CHAPTER 272 (PUBLIC TRANSPORTATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO TOUR BUS PARKING FEES), which had been previously introduced. - 14-0**

**The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Applrys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

**Affirmative 14 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 Bailey introduced RESOLUTION NUMBER 75.102.15R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE CONVEYANCE OF A PORTION OF THE IDA YARBROUGH PUBLIC HOUSING PROJECT BY THE ALBANY HOUSING AUTHORITY TO LUMBER STREET APARTMENTS HOUSING DEVELOPMENT FUND CORP. AS NOMINEE FOR IDA YARBROUGH PHASE I LLC**

WHEREAS, the Albany Housing Authority (the “Authority”) is the owner of certain real property and improvements commonly known as the Ida Yarbrough public housing project, located at or near 252 North Pearl Street, in the City of Albany, County of Albany, New York, which improvements formerly consisted of one hundred twenty-nine (129) residential rental units situated in twelve (12) buildings, and currently consists of fifty three (53) residential rental units situated in seven (7) buildings (the “Project”); and

WHEREAS, the physical condition of the Project has become dilapidated and deteriorated over time, yet the Authority does not have sufficient resources available to remedy such dilapidation and deterioration; and

WHEREAS, the Authority desires to redevelop and rehabilitate the Project in phases in order to provide the current residents, former residents and others with improved, safe, decent and affordable housing; and

WHEREAS, the first phase of the redevelopment plan for the Project (“Phase I”) consists of the demolition of five (5) buildings, which demolition has previously occurred, and the new construction of (i) fifty four (54) rental units in nine (9) buildings on an approximate 3.82 acre site commonly known as a portion of 252 North Pearl Street, Albany, New York, Tax Map Section 65.19, Block 1, a portion of Lot 1 (the “Phase I Project Parcel”); and (ii) the new construction of seven (7) rental units in two (2) buildings on an approximate 0.45 acre site adjacent to the Project located at or near 93 Livingston Avenue, Albany, New York;

WHEREAS, the infusion of private enterprise and private capital are essential components to such redevelopment and the continued success and long-term viability of the Project; and

WHEREAS, the Authority has indicated that the transfer of the Phase I Project Parcel by the Authority to Lumber Street Apartments Housing Development Fund Corp., as nominee for Ida Yarbrough Phase I LLC, or any similar entity designated by the Authority, is necessary in order for Phase I to obtain the benefits of Federal low-income housing tax credits and to otherwise accomplish the redevelopment of Phase I; and

WHEREAS, in accordance with the terms and provisions of Section 58-b of the Public Housing Law of New York State, a sale or lease by a housing authority of all or a portion of a project in order to obtain the benefits of any Federal program of assistance for low income housing is subject to the approval of the Commissioner of New York State Division of Housing and Community Renewal and the local legislative body;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany authorizes and approves of the sale or lease of the Phase I Project Parcel by the Albany Housing Authority to Lumber Street Apartments Housing Development Fund Corp., as nominee for Ida Yarbrough Phase I LLC, or any similar entity designated by the Authority, which sale or lease shall be upon such terms and conditions as the Authority may deem appropriate.

BE IT FURTHER RESOLVED, that in connection with such conveyance, the Mayor of the City of Albany is hereby authorized and directed to take any and all actions and execute any and all documents or instruments that may be necessary or desirable to carry out the intent of this resolution.

RESOLVED, that this resolution shall take effect immediately.

*Council Members Kimbrough, Robinson, Krasher, Igoe, McLaughlin, Kornegay,, Commisso, Fahey and Conti spoke on this resolution prior to passage.*

*President Pro Tempore Conti moved to recess until 9:05 pm, which was approved by unanimous voice vote.*

**The meeting reconvened at 9:05 pm and President Pro Tempore Conti referred Resolution Number 75.102.16R to the Housing and Community Development Committee.**

**Council Member Bailey introduced RESOLUTION NUMBER 76.102.15R, which was referred to the Housing and Community Development Committee**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED PAYMENT IN-LIEU-OF TAX (PILOT) AGREEMENT WITH LUMBER STREET APARTMENTS HOUSING DEVELOPMENT FUND CORP. AND IDA YARBROUGH PHASE I LLC**

WHEREAS, the Lumber Street Apartments Housing Development Fund Corp. (the “HDFC”) is a corporation established pursuant to section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”), and is controlled by or under common control with the Albany Housing Authority (the “AHA”); and

WHEREAS, the HDFC is organized as a “housing development fund company” as that term is defined in Section 572 of the PHFL; and

WHEREAS, the Ida Yarbrough Phase I LLC (the “Company”) is a limited liability company controlled by or under common control with the AHA; and

WHEREAS, the HDFC’s and the Company’s plan for the use of the property hereinafter described, consisting of the construction and redevelopment of sixty-one (61) residential rental units for persons and families of low-income, constitutes a “housing project” as that term is defined in Section 572 of the PHFL (the “Project”) and will be located and situated at or near 252 North Pearl Street and 93 Livingston Avenue in the City and County of Albany, State of New York (the “Property”); and

WHEREAS, the HDFC is the sole managing member of the Company and is expected to be the leasehold owner of the Property as nominee of the Company; and

WHEREAS, pursuant to Section 577(1) of the PHFL, the local legislative body of a municipality may exempt a project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project for a period of up to thirty (30) years;

WHEREAS, the City, the HDFC and the Company previously entered into a PILOT agreement dated October 29, 2014, with respect to the Project (“the Original Agreement”), but the Original Agreement omitted reference to 93 Livingston Avenue.

NOW, THEREFORE BE IT RESOLVED, that the Property and the Project shall be exempt from real property taxes to the extent described in Section 577(1) of the PHFL for a period of thirty (30) years, including city, county and school taxes, other than assessments for local approvals, and that the Mayor be and she is hereby authorized and empowered to execute and enter into an amended and restated PILOT agreement with the Company and the HDFC in a form approved by the Corporation Counsel to cover both 252 North Pearl Street and 93 Livingston Avenue, together with such other and further forms, documents and agreements necessary to amend, renew, supplement or effectuate the same.

RESOLVED, that this resolution shall take effect immediately.

**President Pro Tempore asked and received majority consent to add Resolution Number 77.102.15R to the pending agenda, which was approved by unanimous voice vote.**

**Council Member Golby introduced RESOLUTION NUMBER 77.102.15R (MC), asked for passage and a roll call vote thereon: all cs - 13-0 (O'Brien away from desk)**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO ADJUSTMENTS IN SALARIES PURSUANT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ALBANY AND THE COMMUNICATIONS UNIT OF THE ALBANY POLICE DEPARTMENT FOR THE 2015 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, in order for the terms of the agreement that was collectively bargained between the City and the Communications Unit of the Albany Police Officers’ Union to be satisfied, the adjustments in the salaries addressed by the agreement that affect salary totals for the 2015 budget year must be authorized by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary totals for those positions addressed by the Memorandum of Agreement between the City of Albany and the Albany Police Officers’ Union Local 2841, Law Enforcement Officers Union of Council 82, AFSCME, AFL-CIO – The Communications Unit for the 2015 budget year.

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

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Igoe, Kimbrough, Kornegay, Krasher and Robinson

**Affirmative 13 Negative 0 Abstain 0**

*\*Note: Council Member O'Brien was not present for the roll call vote.*

*Resolution Number 77.102.15R (MC) was co-sponsored by Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.*

**Council Member Conti on behalf of Council Member Herring asked for passage of RESOLUTION NUMBER 68.92.15R (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE APPOINTMENT OF MARTIN R. DALEY TO THE BOARD OF ZONING APPEALS), which was previously introduced and approved by unanimous voice vote.**

**The resolution 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, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

**Affirmative 14 Negative 0 Abstain 0**

*Resolution Number 68.92.15R was co-sponsored by Council Members Doesschate, Fahey and Golby.*

**Council Member Conti on behalf of Council Member Herring asked for passage of RESOLUTION NUMBER 69.92.15R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JENNIFER D. GERAGHTY AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION), which was previously introduced and approved by unanimous voice vote.**

**The resolution 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, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

**Affirmative 14 Negative 0 Abstain 0**

*Resolution Number 69.92.15R was co-sponsored by Council Members Doesschate, Fahey and Golby.*

**Council Member Igoe asked for passage of RESOLUTION NUMBER 74.101.15R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ROBERT MAGEE AS DIRECTOR OF THE DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE), which was previously introduced voice vote.**

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

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

Negative - Krasher

**Affirmative 13 Negative 1 Abstain 0**

*Resolution Number 74.101.15R was co-sponsored by Council Member Doesschate.*

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

**MISCELLANEOUS AND UNFINISHED BUSINESS:**

Council Member O'Brien informed council Members and congratulates Patrick Jordan on his appointment to the Albany Law Center Board.

Council Member Krasher withdrew Resolution Number\_6.21.15R.

**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 October 19<sup>th</sup>, 2015.

**CASHAWNA PARKER**  
**Legislative Aide to the Council**