

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

Monday, October 2, 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 Bailey, Comisso, Conti, Doeschate, Fahey, 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 Bailey led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Anthony Fresina, 127 Melrose Place, Albany, NY (Luizzi Brothers Concerns regarding benefits);
2. Rev. Tre Staton, 7 Wendfair Terrace, Albany, NY (Justice for Donald Ivy);
3. Joseph Johnson, 260 Hudson Street, Albany, NY (Concerns with Luizzi Brothers Apprenticeship program);
4. Sarah Podber, 436 New Scotland Avenue, Albany, NY (Justice for Donald Ivy);
5. Rita Marsh, 700 Central Avenue, Albany, NY (Landlords);
6. Aiesha Johnson ?
7. Jennifer Evlean, Manning Boulevard, Albany, NY (Racial Justice);
8. Eric Bulson, 49 South Ferry Street, Albany, NY (Quality of life issues around Historic Pastures);
9. Hilary Chinnery, 23 Bancroft Street, Albany, NY (Quality of life issues Historic Pastures);
10. Marlon Anderson (Justice/Independent investigation on Donald Ivy case);
11. Doris Coles (Assistance with recovering from house fire);
12. Vincent Riguso, 13 Beach Avenue, Albany, NY (Budget/Trash Fee);
13. Malik Penn, 430 Second Avenue, Albany, NY (David Soares broken promise);
14. William E. Terry, Sr., 325 Sherman Street, Albany, NY (Murder of Macle Johnson);
15. Sue Frasier, 129 Green Street, Albany, NY (Quality of Life issues at Historic Pastures).

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 President Pro Tempore Conti

REPORTS OF STANDING COMMITTEES:

NONE

CONSIDERATION OF ORDINANCES

Council Member Kimbrough introduced ORDINANCE NUMBER 48.111.15, which was held.

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO THE ALBANY YMCA AT 616 NORTH PEARL STREET OVER, UPON AND UNDER A PORTION OF THE CITY RIGHT-OF-WAY OF NORTH 3RD STREET IN THE CITY OF ALBANY

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

Section 1. It is hereby authorized that the City of Albany grant a permanent easement to the Albany YMCA located at 616 North Pearl Street over, upon and under a portion of the City right-of-way of North 3rd Street, adjacent to 616 North Pearl Street, a/k/a 598-616 North Pearl Street (Tax Map #65.36-1-1), in the City of Albany.

Section 2. The form, content, terms and conditions of such easements shall be approved by the Corporation Counsel.

Section 3. The Grantees shall not hinder, interfere with, prevent, delay, obstruct or adversely affect the Grantor in the reasonable exercise of its governmental operations or function.

Section 4. This ordinance shall take effect immediately.

Council Member Conti moved to amend and as amended asked for passage of ORDINANCE NUMBER 47.102.15 and roll call vote thereon:

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.

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

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

Affirmative 13 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 O'Brien introduced RESOLUTION NUMBER 78.111.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY REGARDING THE POSITION OF CUSTOMER CONTACT SPECIALIST IN THE DEPARTMENT OF WATER AND WATER SUPPLY

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, it is recognized that the Customer Contact Specialist at the Department of Water and Water Supply has been working out-of-class for a defined period of time; and

WHEREAS, in order to compensate the employee who has worked outside of the position’s Civil Service classifications the Department requires a transfer of funds that will affect the salary total for the 2015 budget year.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary total of the Customer Contact Specialist within the Department of Water and Water Supply for the 2015 Budget year.

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

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

Affirmative 13 Negative 0 Abstain 0

Council Member Bailey asked for passage of RESOLUTION NUMBER 75.102.15R (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), which had been previously introduced.

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

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

Negative - Robinson

Affirmative 12 Negative 1 Abstain 0

Council Member Bailey asked for passage of RESOLUTION NUMBER 76.102.15R (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, which had been previously introduced.

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

Negative - Robinson

Affirmative 12 Negative 1 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS:

Council Member Krasher discussed having a committee meeting to take up the issues that were raised tonight. He stated that it is a perpetual problem in the minority districts. The institutionalized racism needs to be addressed. He discussed wanting to know how much money is being spent on Tasers out of the city budget and want to take a hard look at the Taser policy. He stated that it is a mistake to call Tasers non-lethal force. He discussed that the budget is the main source of power for the Council and the Council should look at the policy and possibly abolish the use of Tasers.

Council Member Fahey stated that she is troubled by what happened to Donte Ivy and want to look

closer at how things could have been handled differently, look at policy and better training for police officers. She discussed that she is saddened by what happened and want to address this in the most positive way possible.

Council Member Robinson made comments stating that the grand jury system is broken and that he has legislation on the table asking for body cameras. He discussed APD is independent source meaning Council has no say in APD policy. He discussed that the for policy vehicle cameras is that they only have to roll during traffic stops and not necessarily civilian stops. He stated that eight police cars were there at scene with Mr. Ivy but no cameras were running.

Council Member Golby thanked the people and Mr. Ivy's family for coming out tonight. She stated that there still remain many questions. She stated that she will be setting up a Public Safety Committee will be meeting on Council Member Kornegay's Ordinance Number 38.42.15, which is being finalized and will be willing to discuss Council Member Robinson's ordinance 37.42.15. The Committee meeting should be set within a month. She stated that she is open with speaking with other Council Members on other questions regarding Mr. Ivy.

Council Member Bailey stated that the Common Council is not sitting idle and that the minority ward Council Members have met with community groups and Member of the NAACP. He stated that Mr. Ivy's death would not go in vain. He stated that he asked the Chief of Police if there was video and was told no. He discussed that an innocent man died and the video he saw was not the same video shown in Albany County District Attorney's office. He has fear for grandson when he's out and not at home.

President McLaughlin stated that she appreciate the family for coming out and all the supporters who spoke tonight. She discussed the Council needed to be moved to take some action and the thanked family for staying and listening to Council Members comments. She stated that Council have the obligation to have the concerns that was heard tonight looked into. The Council has a stake in making sure the right policy is put in place and the community can come forward to say how these body cameras should be used. She stated that it may take six-seven months before a policy is in place and that everything in the report states policy was followed and if that's the case, then policy needs to change. She implored the community to stay the course and hold people accountable and to register to vote. She stated that a person cannot be on a jury if they are not registered to vote and that black lives do matter.

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 November 2nd, 2015

CASHAWNA PARKER
Legislative Aide to the Council