

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

Monday, March 18, 2013

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

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

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

Council Member Freeman led the Pledge of Allegiance.

Majority Leader Herring made a motion to change the order of business to allow the consideration of Resolution Number 17.32.13R, which was approved by unanimous voice vote.

Majority Leader Herring asked and received majority consent to add RESOLUTION NUMBER 17.32.13R to the pending agenda, which was approved by unanimous voice vote.

Council Member Bailey on behalf of Council Member Jenkins-Cox introduced RESOLUTION NUMBER 17.32.12R at the request of Common Council President McLaughlin, asked for passage and a roll call vote thereon:

**RESOLUTION CONGRATULATING THE ALBANY HIGH SCHOOL GIRLS'
BASKETBALL TEAM ON WINNING THE SECTION II CLASS AA CHAMPIONSHIP**

WHEREAS, the Albany High Lady Falcons (20-1) basketball team won its first Section II Class AA Championship in fifteen years, their hard work and skills finally paying off in a long awaited victory; and

WHEREAS, the Lady Falcons made it to the state quarterfinals by beating the Bethlehem High School girls' in a 64-47 defeat, and

WHEREAS, the Lady Falcons led 20-13 after the first quarter and 31-20 at halftime. After the opening minutes of the third quarter, the lead never dropped below 10 against the Bethlehem High Lady Eagles, who were ranked number 2 in the State; and

WHEREAS, senior Emia Willingham-Hurst scored 15 points during the game, had 13 rebounds, and 5 assists and was named the Class AA tournament MVP and was previously inducted into the Albany High 1,000 point club. Ayanna Hunter, Jenna Giacone, and Gabby Giacone were named to the All-Tournament team; and

WHEREAS, the season ended when the Lady Falcons fell 51-49 to Section III champion Cicero-North Syracuse in the NYSPHSAA state quarterfinals; and

WHEREAS, a tremendous amount of hard work and dedication by the team have gone into winning the Big 10 title and the Section II Class AA title. The team has given the City a season to remember for girls' basketball.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates the Albany High School Girls' Basketball Team on their outstanding win in taking the Section II Class AA championship and for their outstanding performance this season. We commend Head Coach Decky Lawson for his optimism and dedication and Assistant Coaches Jill McGuire, Ashley Chapple, and Kristen Quinn and Manager Siobhan Granich. The Common Council also congratulates the 2012-2013 roster of players including Kiersten Gordon, Ayanna Hunter, Emia Willingham-Hurst, Dahnasia Williams, Cara Waterson, Cyla Wilson, Jenna Kindlon, India Terrell, Mylah Chandler, Mia Valentine, Jesse LeFrancois, Alexis Brown, Ariel Greer, Leah Dollard, Melissa Canty, and Julia Chirlin and wishes them continued success in future years.

**Note: Council Members Sano, Fahey, Bailey and President McLaughlin spoke on this resolution prior to passage.*

The resolution passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Resolution Number 17.32.13R(MC) was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Fahey, Freeman, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (SNUG funding);
2. Vincent Riguso, 13 Beach Avenue, Albany, NY 12203 (Debt of the City; School budget polling places).

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

CONSIDERATION OF LOCAL LAWS

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

REPORTS OF STANDING COMMITTEES

General Service, Health and Environment – Chairman Calsolaro stated that the Albany Community Development Agency received a letter from HUD stating that there would be a 5% cut in funding for the CDBG program, which may result a 5% cut across the board in awards. He stated that a meeting had been scheduled for March 31, 2013 to discuss Resolution Number 18.41.13R in relation to the CDBG Annual Action Plan, but the meeting may not need to be held since no one requested a change in the CDBG budget.

Parks, Recreation and Family Services – Chairman Rosenzweig stated that the committee met on March 14, 2013 to discuss the City of Albany Summer Youth Employment Program with members of the A-Plus Program. He stated that it was a very productive meeting.

Finance, Taxation and Assessment – Chairman Sano stated that the committee met March 18, 2013 to discuss various Department of General Services bonding ordinances. They were referred out of committee with a positive recommendation with the exception of three ordinances, which were amended to reflect the useful life of the requested equipment.

CONSIDERATION OF ORDINANCES

Council Member Calsolaro introduced ORDINANCE NUMBER 31.32.13, which was held:

AN ORDINANCE AMENDING ARTICLE XIA (GUN VIOLENCE PREVENTION IMPLEMENTATION TEAM) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY

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

Section 1. Article XIA of Chapter 42 of the Code of the City of Albany is hereby repealed in its entirety.

Section 2. This ordinance shall take effect March 31, 2013.

Council Member Bailey on behalf of Council Member Conti offered ORDINANCE NUMBER 86.82.10 (AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NEIGHBORHOOD TRAFFIC CALMING), which had been previously introduced, asked for passage and a roll call vote thereon.

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

Section 1. Article I of Chapter 323 of the Code of the City of Albany is amended by adding a new section 323-59.1 to read as follows:

§ 323-59.1 Neighborhood Traffic Calming.

The Council hereby approves the use of neighborhood speed humps as a geometric street feature to serve as a traffic calming device on local residential streets. The City Engineer, in consultation with the Chief of Police, is authorized to adopt rules and regulations as necessary to establish eligibility criteria for streets which may participate in the program, and to establish the location and configuration of the speed humps on eligible streets.

Section 2. This ordinance shall take effect immediately.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Ordinance Number 86.82.10 was co-sponsored by Council Members Freeman, Golby, Igoe, O’Brien, Sano and Smith.

Council Member Sano offered ORDINANCE NUMBER 4.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,615,000.00 AND AUTHORIZING THE ISSUANCE OF \$1,615,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (DGS VEHICLES)), which had been previously introduced, asked for passage and a roll call vote thereon.

**Note: Council Members Calsolaro, Konev and Sano spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Commisso, Fahey, Freeman, Golby, Herring, Igoe, O’Brien, Rosenzweig, Sano, and Smith

Negative – Calsolaro and Konev

Affirmative 11 Negative 2 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 5.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$385,000.00 AND AUTHORIZING THE ISSUANCE OF \$385,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PARKS REPLACEMENT EQUIPMENT)), which had been previously introduced, asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 6.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (RECREATION FACILITIES LIGHTING IMPROVEMENTS)), which had been previously introduced, asked for passage and a roll call vote thereon.

**Note: Council Members Konev, Calsolaro and Sano spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano moved to amend ORDINANCE NUMBER 7.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,730,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,730,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PINE BUSH RESTORATION)), and as amended, asked for passage and a roll call vote thereon:

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF [~~\$2,730,000.00~~] \$2,630,000 AND AUTHORIZING THE ISSUANCE OF [~~\$2,730,000.00~~] \$2,630,000 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (PINE BUSH RESTORATION)

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Refuse disposal areas.

Local Finance Law Section 11.00(a) Subparagraph 6-a

Period of Probable Usefulness: [~~20~~] 10 years

Maximum Term of Obligations: [~~20~~] 10 years

Maximum Estimated Cost: [~~\$2,730,000.00~~] \$2,630,000

Maximum Amount of Bonds: [~~\$2,730,000.00~~] \$2,630,000

Treasurer's Bond Authorization Numbers: D-13

Treasurer's Project Numbers: GH 81608304

Section 2. The plan of financing such objects or purposes is the issuance of [~~\$2,730,000.00~~] \$2,630,000 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as

chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

Section 7. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitutes a Type 1 action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder for which Common Council has previously adopted a Findings Statement.

Section 12. This ordinance shall be dated February 21, 2013 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

**Note: Council Members Calsolaro, Commisso, Sano, and Konev spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Commisso, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, and Sano

Negative – Calsolaro and Smith

Affirmative 11 Negative 2 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 8.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$150,000.00 AND AUTHORIZING THE ISSUANCE OF \$150,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (NORMANSKILL FARM IMPROVEMENTS)), which had been previously introduced, and asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 9.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$125,000.00 AND AUTHORIZING THE ISSUANCE OF \$125,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CAPITAL HILLS IRRIGATION SYSTEM)), which had been previously introduced, asked for passage and a roll call vote thereon.

**Note: Council Members Konev and O’Brien spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Commisso, Fahey, Freeman, Golby, Herring, Igoe, O’Brien, Rosenzweig, Sano and Smith

Negative – Calsolaro and Konev

Affirmative 11 Negative 2 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 10.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$150,000.00 AND AUTHORIZING THE ISSUANCE OF \$150,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (WASHINGTON PARK IMPROVEMENTS)), which had been previously introduced, asked for passage and a roll call vote thereon.

**Note: Council Members Sano and Konev spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 11.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$100,000.00 AND AUTHORIZING THE ISSUANCE OF \$100,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (DGS MOBILE

RADIOS)), which had been previously introduced, asked for passage and a roll call vote thereon.

**Note: Council Members Konev, Calsolaro and Sano spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Fahey, Freeman, Golby, Herring, Igoe, O’Brien, Rosenzweig, Sano, and Smith

Abstain – Konev

Affirmative 12 Negative 0 Abstain 1

Ordinance 11.22.13 was co-sponsored by Council Member Freeman.

Council Member Sano offered ORDINANCE NUMBER 12.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ASBESTOS ABATEMENT)), which had been previously introduced, asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 13.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$250,000.00 AND AUTHORIZING THE ISSUANCE OF \$250,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SLOPE STABILIZATION)), which had been previously introduced, asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 14.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (BRIDGE IMPROVEMENTS)), which had been previously introduced, asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano moved to amend ORDINANCE NUMBER 15.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF. (MECHANICAL SYSTEMS IMPROVEMENTS)), and as amended, asked for passage and a roll call vote thereon:

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Certain building alterations
Local Finance Law Section 11.00(a) Subparagraph 13
Period of Probable Usefulness: 10 years
Maximum Term of Obligations: 10 years
Maximum Estimated Cost: \$200,000.00
Maximum Amount of Bonds: \$200,000.00
Comptroller's Bond Authorization Numbers: M-13
Comptroller's Project Numbers: GH 14408313

Section 2. The plan of financing such objects or purposes is the issuance of \$200,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City comptroller, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of Local Finance Law.

Section 7. The City [~~Comptroller~~] Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City [~~Comptroller~~] Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) (a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or
- (c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted or Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

Section 12. This ordinance shall be dated February 21, 2013 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano asked for passage of ORDINANCE NUMBER 16.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (CITY BUILDING IMPROVEMENTS)), which had been previously introduced.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 17.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$205,000.00 AND AUTHORIZING THE ISSUANCE OF \$205,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ADA COMPLIANCE)), which had been previously introduced, asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Ordinance Number 17.22.13 was co-sponsored by Council Member Freeman.

Council Member Sano offered ORDINANCE NUMBER 18.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$700,000.00 AND AUTHORIZING THE ISSUANCE OF \$700,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK RECONSTRUCTION)), which had been previously introduced, asked for passage and a roll call vote thereon.

**Note: Council Members Commisso and Igoe spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Ordinance Number 18.22.13 was co-sponsored by Council Member Konev.

Council Member Sano offered ORDINANCE NUMBER 19.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$2,400,000.00 AND AUTHORIZING THE ISSUANCE OF \$2,400,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (STREET RECONSTRUCTION)), which had been previously introduced, asked for passage and a roll call vote thereon.

**Note: Council Member Sano spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Ordinance Number 19.22.13 was co-sponsored by Council Member Konev.

Council Member Sano moved to amend ORDINANCE NUMBER 20.22.13 (AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (LANDFILL GAS FIELD IMPROVEMENTS)), and as amended, asked for passage and a roll call vote thereon:

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

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Refuse disposal areas.
Local Finance Law Section 11.00(a) Subparagraph 6-a
Period of Probable Usefulness: [20] 15 years
Maximum Term of Obligations: [20] 15 years
Maximum Estimated Cost: \$500,000.00
Maximum Amount of Bonds: \$500,000.00
Treasurer's Bond Authorization Numbers: R-13
Treasurer's Project Numbers: GH 71108318

Section 2. The plan of financing such objects or purposes is the issuance of \$500,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefore. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City Treasurer, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of Local Finance Law.

Section 7. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitutes a Type 1 action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder for which Common Council has previously adopted a Findings Statement.

Section 12. This ordinance shall be dated February 21, 2013 and shall take effect upon its

approval by the Board of Estimate and Apportionment of the City of Albany.

**Note: Council Members Calsolaro, O'Brien, Konev and Sano spoke on this ordinance prior to passage.*

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Commisso, Fahey, Freeman, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig, and Sano

Negative – Calsolaro and Smith

Affirmative 11 Negative 2 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

Council Member Sano introduced RESOLUTION NUMBER 14.32.13R, asked for passage and a roll call vote thereon.

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (ITS TRANSIT SIGNAL PRIORITY ON WASHINGTON AND WESTERN AVENUES [P.I.N. 1758.63])

WHEREAS, a Project ITS Transit Signal Priority on New Scotland Avenue P.I.N. 1758.63 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design

NOW, THEREFORE, the Common Council, duly convened does hereby

RESOLVED, that the Common Council hereby approved the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$492,000 (Four Hundred Ninety Two Thousand dollars and no cents) has already been appropriated from Ordinance Nos. 42.31.07 and 43.52.08 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$290,000 (Two Hundred Ninety Thousand Five Hundred Dollars and no cents) hereby appropriated pursuant to Ordinance No. 38.31.10 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Albany be hereby authorized to execute all necessary Agreement, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany within the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Projects costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

The resolution passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Resolution Number 14.32.13R was co-sponsored by Council Members Igoe, Konev, and O'Brien.

Council Member Sano introduced RESOLUTION NUMBER 15.32.13R, asked for passage and a roll call vote thereon.

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (SCHOOL ZONE DRIVER FEEDBACK [P.I.N. 1758.01])

WHEREAS, a Project School Zone Driver Feedback: Signs and Signals Program P.I.N. 1758.01 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design

NOW, THEREFORE, the Common Council, duly convened does hereby

RESOLVED, that the Common Council hereby approved the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$94,000 (Ninety-Four Thousand Dollars and no cents) has already been appropriated from Ordinance No. 20.22.09 and made available to cover the cost of participation in the design phase of the Project; and it is further

RESOLVED, that the additional sum of \$530,954 (Five Hundred Thirty Thousand Nine Hundred Fifty Four Dollars and no cents) hereby appropriated pursuant to Ordinance No. 20.22.09 and made available to cover the cost of participation in the Construction phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Albany be hereby authorized to execute all necessary Agreement, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany within the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Projects costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

The resolution passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Resolution Number 15.32.13R was co-sponsored by Council Members Golby, Igoe, Konev and O'Brien

Council Member Sano introduced RESOLUTION NUMBER 16.32.13R, asked for passage and a roll call vote thereon.

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (ITS TRANSIT SIGNAL PRIORITY ON NEW SCOTLAND AVENUE [P.I.N. 1758.04])

WHEREAS, a Project ITS Transit Signal Priority on New Scotland Avenue P.I.N. 1758.04 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design

NOW, THEREFORE, the Common Council, duly convened does hereby

RESOLVED, that the Common Council hereby approved the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$82,500 (Eighty-Two Thousand Five Hundred dollars and no cents) has already been appropriated from Ordinance No. 39.31.10 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$98,500 (Ninety-Eight Thousand Five Hundred Dollars and no cents) hereby appropriated pursuant to Ordinance No. 39.31.10 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Albany be hereby authorized to execute all necessary Agreement, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany within the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Projects costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

The resolution passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Resolution Number 16.32.13R was co-sponsored by Council Members Fahey and Igoe.

Council Member Sano offered RESOLUTION NUMBER 12.31.13R (RESOLUTION OF THE COMMON COUNCIL ENACTING A HOME RULE MESSAGE TO THE NEW YORK STATE LEGISLATURE REQUESTING THE ENACTMENT OF SENATE BILL NO. 2342 / ASSEMBLY BILL NO. 4717 ENTITLED: “AN ACT TO AUTHORIZE THE CITY OF ALBANY TO DISCONTINUE THE USE OF CERTAIN LANDS AS PARK LANDS”), which had been previously introduced, asked for passage and a roll call vote thereon.

The resolution passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

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

MISCELLANEOUS AND UNFINISHED BUSINESS

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

COMMISSIONERS OF DEEDS

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, 2012, AND WAIVE THE READING OF THE NAMES:

1. Robert F. Cross
2. Carolyn McLaughlin

Council Member Smith discussed comments made during public comment period regarding SNUG. She stated that the model for SNUG is based on Chicago Cease Fire, which will not allow SNUG to be operated under the police department. She discussed the purpose of SNUG is to build trust within the community.

Council Member Konev discussed a dedication ceremony and the loss of the YMCA being housed on Washington Avenue. He thanked Council President McLaughlin for representing the Common Council and Reverend Smart for being a visionary bringing in all groups to utilize the space at the former YMCA building on Washington Avenue.

ADJOURNMENT

Majority Leader Herring made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of March 18th, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL