

Regular Meeting February 7, 2011

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, February 7, 2011

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, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith.

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

Council Member Commisso led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Harrison Watkins, 360 Madison Ave., Albany, NY 12210 (Support Resolution 5.21.11R)
2. Joe Cunniff, 10 Croswell St., Albany, NY 12206 (PEG Access Oversight Committee)
3. Grace Nichols, 439 Elk St., Albany, NY 12206 (Pine Bush Restoration Plan/Pesticides)
4. Tom Ellis, 43 N. Pine Ave., Albany, NY 12203 (Oppose College of St. Rose's Yates St. Project/Landfill Odor)
5. Tom Hunsinger, 538 Myrtle Ave., Albany, NY 12208 (Oppose College of St. Rose's Yates St. Project)
6. Lorenz Worden, 127 S. Pine Ave., Albany, NY 12203 (Oppose College of St. Rose's Yates St. Project)

Council Member Conti made a motion to extend public comment period for an additional 30 minutes, which was approved by unanimous voice vote.

7. Andy Arthur, 15A Elm Ave., Delmar, NY 12054 (Pine Bush Restoration Plan /Solid Waste Management Plan)
8. Doris Coles, 232 First St, Albany, NY 12210(Snow Removal)
9. Cheryl Camilla, Hidley Rd, Wynantskill, NY (Solid Waste Management Plan)
10. Michael Guidice, 105 Grand St., Albany, NY 12202 (Food Sustainability)

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Council Member Conti made a motion to approve the minutes of January 20, 2011, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

The Local Laws on the pending agenda were held at the request of Council Member Conti.

REPORTS OF STANDING COMMITTEES

General Services, Health and Environment – Council Member O’Brien stated that the Committee met on Wednesday, January 26, 2011 at 5:30 PM to discuss Resolution 3.12.11R relating to the Solid Waste Management Plan Final Generic Environmental Impact Statement (FGEIS), which was referred out of committee with a positive recommendation.

Law, Buildings and Code Enforcement Committee – Mr. Igoe indicated that the Committee met on February 3, 2011 at 5:30 PM to consider Council Member Golby’s Ordinance 34.22.10 and Council Member Konev’s Ordinance 70.52.10, both relating to sidewalk snow removal. The ordinances were held for further review and discussion.

Finance, Taxation and Assessment – Council Member Sano stated that the Committee met on Tuesday, January 25, 2011 at 5:30 PM to discuss Council Member Comisso’s Resolution Number 124.123.10R in relation to retiree health insurance benefits. The resolution would be set aside while the Committee continued to gather data and a resolution urging the Mayor to create a task force to look into health insurance costs may be forthcoming in the near future.

Housing and Community Development – Council Member Calsolaro stated the Committee would be meeting on Wednesday, February 16, 2011 following caucus to discuss preliminary Community Development Block Grant (CDBG) awards and the initiatives the Mayor discussed in his State of the City address. The Committee would also be meeting on February 22, 2011 at 5:30 p.m. at 200 Henry Johnson Boulevard to participate in the CDBG Preliminary Award Appeals hearing.

Council Operations and Ethics – Council Member Conti stated that the Committee would be meeting on Thursday, February 10, 2011 to have a discussion on the final census numbers and reapportionment. The Committee would also be discussing Local Law E and F of 2010 relating to Council restructuring and Ordinance 4.21.11 relating to Council meeting procedures.

CONSIDERATION OF ORDINANCES

Council Member Golby introduced the following, which was held:

Ordinance Number 2.21.11

AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF A PORTION OF YATES STREET IN THE CITY OF ALBANY

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

Section 1. It is hereby ordered and directed that the portion of Yates Street north of Partridge Street to the southern edge of Rear 936-958 Madison Avenue (Tax Map #64.68-2-72), measuring approximately 66 feet in width by 330 feet in length, be discontinued and closed.

Section 2. It is hereby determined that the aforesaid right-of-way has been abandoned for municipal or public purposes.

Section 3. The form, content and description of the right-of-way to be closed shall be approved by the Corporation Counsel.

Section 4. This ordinance shall take effect immediately after public hearing and final passage.

Council Member Golby introduced the following, which was held:

Ordinance Number 3.21.11

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO REAR 936-958 MADISON AVENUE AND THE ABANDONED PORTION OF YATES STREET NORTH OF PARTRIDGE STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE COLLEGE OF SAINT ROSE

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 property known as Rear 936-958 Madison Avenue (Tax Map #64.68-2-72) and the abandoned portion of Yates Street north of Partridge Street be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the College of Saint Rose.

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 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 4. This ordinance shall take effect immediately.

Council Member Conti introduced the following, which was referred to the Council Operations and Ethics Committee:

Ordinance Number 4.21.11

AN ORDINANCE AMENDING PART 21 (COMMON COUNCIL), PART 10 (BOARD OF CONTRACT AND SUPPLY) AND PART 14 (BOARD OF ESTIMATE AND APPORTIONMENT) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO COMMON COUNCIL OPERATING PROCEDURES

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

Section 1. Chapter 42, Part 21, Article XXXI of the Code of the City of Albany is hereby amended to read as follows:

**Part 21 - Common Council
ARTICLE XXXI - General Provisions
§ 42-223. Common Council Rules and Operating Procedures.**

This Article sets forth the basic operating procedures for the City of Albany Common Council. The Common Council also follows its own “Rules of Procedure” adopted by resolution of the Common Council at the annual organizational meeting and amended from time to time.

§ 42-224 [42-223]. Common Council [;] minutes [; publication; distribution; bound].

The minutes of each meeting of the Common Council shall comply with the requirements of the NYS Open Meetings Law and any requirements contained in the Common Council Rules of Procedure. Minutes of each official meeting [be published in the official newspapers and] shall be printed in full within six days after [the] adjournment and immediately distributed, one to the Mayor, one to each member of the Common Council and one to the head of each department. At the end of the year the printed minutes [and reports of the City officers shall be printed and bound in adequate number.] shall be maintained by the City Clerk as an official city record.

[§ 42-224. Board of Estimate and Apportionment; minutes; Board of Contract and Supply; distribution; bound.

The minutes of each meeting of the Boards of Estimate and Apportionment and Contract and Supply shall be printed in full and distributed, one to each member of such Boards and of the Common Council and one to the head of each department. At the end of the year the printed minutes shall be indexed and bound in adequate number.]

§ 42-225. [Aldermen; quorum] Quorum; President.

[A majority of the Aldermen elected] Eight members of the Common Council shall constitute a quorum, but [a smaller] any number may adjourn from time to time and compel the attendance of absent members at official meetings. The Council shall be called to order by the President or, if [he be] the President is absent, by the President [Pro Tem] Pro-Tempore, who shall preside until the President appears.

[§ 42-226. Order of business.

After calling the roll and reading and approving of minutes, the order of business, which shall not be departed from except by the consent of a majority present, shall be as follows:

- A. Local laws.
 - (1) Introduction of local laws.
 - (2) Messages from the Mayor relative to local laws.
 - (3) Public hearing on local laws.
 - (4) Discussion on local laws.
- B. Communications from the Mayor, heads of departments and City officers.
- C. Consideration of vetoes.
- D. Presentation of petitions, remonstrances and communications.
- E. Reports of standing committees.

- F. Reports of select committees.
- G. Consideration of accounts and appeals.
- H. Consideration of ordinances.
- I. Resolutions.
- J. Miscellaneous or unfinished business.]

[§ 42-227. Local laws; introduction and procedure.

- A. Every local law shall be introduced by a member or on the report of a committee.
- B. Every local law introduced shall be in duplicate and shall have endorsed thereon a statement of its title with the name of its introducer.—
- C. If a local law purports to supersede an existing provision of the Charter or of another state law, it shall indicate in the next to the last section thereof the particular provision which is to be superseded.
- D. If a local law purports to amend an existing local law, it shall when practicable show all the new matter underscored and all the matter to be eliminated in brackets, and, when such local law is printed or reprinted, all new matter must appear in italics and all matter to be eliminated in brackets.
- E. Every local law introduced shall be deposited with the Clerk and shall be read in its order of introduction when the order of business, "Introduction of Local Laws," shall be reached.
- F. The Clerk shall cause every local law immediately upon its introduction to be printed and placed on the desks of the members; he shall number them consecutively as received. Such number law shall be retained as an introductory number. Each local law shall also have a print number, and if the same is printed, the original print number shall be retained and there shall be added its new print number.
- G. The Clerk shall transmit to the City Clerk a certified copy of every local law upon its enactment and such local laws as are subject to mandatory referendum or referendum on petition. The City Clerk shall within three days after the taking effect of a local law file three certified copies thereof in the office of the Secretary of State.
- H. No such local law shall be passed until it shall have been in its final form and upon the desk of the members at least seven calendar days, exclusive of Sunday, prior to—its final passage, unless the Mayor shall have certified as to the necessity for its immediate passage, and such local law be passed by the affirmative vote of two-thirds (2/3) of the voting power of the Common Council.]—

[§ 42-228. Petitions, memorials and resolutions; introduction and procedures.

All petitions, memorials, resolutions or other papers, previously to their being handed to the Chair, shall have a brief statement of their contents indorsed thereon, together with the name of the member presenting the same, and when requested, the same shall be read by the Clerk before reference or voting thereon.]

§ 42-226 [42-229. President; s] Special meeting; procedures.

The President of the Common Council or a majority of its members may call a special meeting by causing a written notice thereof specifying the objects of the meeting to be served by the City Clerk upon each member personally, [or by mail directed to his place of residence or place of business,] by mail, facsimile, or electronic mail at least 24 hours before the time of such meeting [, and]. The City Clerk shall make every reasonable attempt to insure that each council member actually receives notice of the special meeting. N [n]o other business than that stated in said notice shall be transacted at such meeting.

[§ 42-230. Committees and officers; report.

All committees and officers of the Council to whom any petition, account or other matter shall be referred, shall make a report thereon in writing at the first regular meeting after such reference; and the presiding officer at each regular meeting shall call upon such committees and officers for their reports in the order stated in Rule 2, and committees and officers, on making their reports, shall return the petition, account or other matter referred.]

[§ 42-231. Reports.

All reports shall be entered on the minutes and filed with the Clerk.]

[§ 42-232. Proposed laws; printed copy; distribution; when.

A printed copy of all proposed laws shall be delivered, under the direction of the Clerk, to each member of the Council, at least six days before the same shall be put upon their passage.]

[§ 42-233. Executive session; procedures.

For the consideration of all cases mentioned in Rule 32, the Council may, with the consent of 10 members thereof, resolve itself into executive session, at which session the Council may exclude all persons from the room, except the Aldermen and the Clerk of the Common Council.]

[§ 42-234. President; procedures to leave Chair.

Whenever the President may wish to leave the Chair, he shall substitute the President Pro Tem or, if he be absent, any member in his place, but to act for that meeting only.]

[§ 42-235. Debate; procedure.

No question shall be debated or put unless the same shall be seconded. When a motion is seconded, it shall be stated by the President before debate, and every such motion shall be reduced to writing if any member request it.]

[§ 42-236. President; motion; withdrawal.

After a motion is stated by the President, it shall be deemed to be in the possession of the Council; but it may be withdrawn at any time by the mover, before decision or amendment, by unanimous consent.]

[§ 42-237. Questions of order; procedure.

Questions of order shall be decided by the Chair without debate, subject to an appeal to the Council, which shall also be decided without debate. A member called to order shall immediately take his seat, unless permitted to explain, and the Council, if appealed to, shall decide on the case, but without debate.

If there be no appeal, the decision of the Chair shall be submitted to.]

[§ 42-238. Committees; appointment; Chairman.

All committees shall be appointed by the President Pro Tem. The first person named in the appointment of a committee shall be the chairman thereof.]-

[§ 42-239. Motions to adjourn.

Motions to adjourn, to lay on the table and for the previous question shall always be in order, and shall be decided without debate.]

[§ 42-240. Filling of blanks; procedure.

When a blank is to be filled, and different sums, numbers or times are proposed, the question shall first be put on the greatest number, longest time and largest sum.]

[§ 42-241. Division of question.

Any member may require a division of the question which may contain two or more distinct propositions.]

[§ 42-242. Addressing the Chair.

No speaker or member shall speak or debate upon any question unless he shall address the Chair standing.]

[§ 42-243. Members speaking; time allowed.

No member shall speak more than twice on any question unless by permission of the Council, nor more than once until every member choosing to speak shall have spoken. No member shall be allowed to speak longer than five minutes to explain his vote on any question.]

[§ 42-244. Deliberations; orderly conduct.

A. No conversation shall be permitted in the Council that will disturb the deliberations thereof, nor shall any question or resolution be presented or discussed so long as any other matter undisposed of shall be before the Council for deliberation.

B. Every member of the Council shall, during its meetings, conduct himself in an orderly and gentlemanly manner, and no personalities nor any conduct or language likely to create any disturbance shall be allowed.]—

[§ 42-245. Votes; reconsideration of.

When a question has once been put and decided, it shall not be in order for any member voting in the minority on such question to move for the reconsideration of any vote thereof. No motion for the reconsideration of any vote shall be in order unless made prior to the adjournment of the meeting which decided the question, and no question or vote on said subject matter shall be a second time reconsidered.]

[§ 42-246. Voting; procedure.

In all propositions involving an appropriation or expenditure of money, or authorizing a sale or lease of

City real estate, or of any franchise belonging to or under the control of the City, or when voting to inflict a fine or penalty, or upon appeal questions, the ayes and noes shall be taken, but on all other questions the ayes and noes shall only be taken whenever so required by at least four members.]

[§ 42-247. Admittance to session of Council; permission required.

No person except members, ex-members of the Common Council, City officers and official reporters shall be allowed to come within the bar during the session of the Council, without the permission of the Council.]

[§ 42-248. Standing committees; appointed biennially; vacancies.

The standing committees shall be appointed biennially, and as soon after the organization as practicable. In case of vacancies in committees they shall be filled by the President Pro Tem. A majority of all committees shall be a quorum for the transaction of business.]

[§ 42-249. Standing committees; members.

The standing committees shall each consist of three members, unless otherwise indicated, and shall be as follows:

Academies and Schools (five members)

Accounts and Appeals (five members)

Applications to the Legislature

Docks and Ferries

Fire Department

Land

Law

Levels

Markets

Navigation, Trade and Commerce

Police

Printing

Privileges and Elections

Public Buildings (five members)

Public Celebrations and Entertainments (seven members)

Railroads (five members)

Relations of City and County

Streets and Sewers, Northern Section

Streets and Sewers, Southern Section

Streets and Sewers, Western Section

Water (five members)]

[§ 42-250. Committees; procedure.

No report of any committee shall be received, nor shall any matter of business be transacted by any committee except a majority of said committee be actually assembled, and in no case unless said committee meeting be called by the Chairman or a majority of said committee, and every member thereof be notified and have a reasonable time to be present at said meeting.]

[§ 42-251. Committees; powers and authority.

A. No committee shall have the power of employing any person for or on behalf of the City, or incur any expense except in such cases as herein provided, unless specially authorized by the Common Council.

B. Every committee shall have power and authority to send for persons and papers, and examine witnesses under oath, pursuant to the laws of the state, in any matter or proceeding referred to or before it; and such examination, together with all papers and proceedings, shall be returned to the Common Council.]

[§ 42-252. Returned ordinances with objections by Mayor; procedures.

A. Upon the return of any ordinance, with objections by the Mayor, the objections shall be read and entered at length on the minutes, and the Clerk shall forthwith cause the same to be published in the corporation newspapers at length one time; and no other action or debate in reference to said matter shall be had thereon at that meeting; and no-action shall be had on said ordinance or objections, at any meeting held less than five days after such objections have been received by the Council.

B. When an ordinance has been returned with objections by the Mayor, the question to be put by the Chair shall be, "Shall the ordinance be passed notwithstanding the objections of the Mayor?"

§ 42-253. Quorum; members; absent; City Marshal.

[A.] In case [a less number] the Common Council shall convene with less than a quorum [of the Common Council shall convene] at any regular or special meeting; or, if, while any meeting is in progress, any less number than a quorum shall be present, the majority of the members [of such Common Council] present are authorized to send [the City Marshal, or any other person] a police officer for any or all absent members, as such majority of members shall agree.

[B. Such City Marshal or other person so authorized shall have power to arrest such absent member or members and detain him or them until discharged by the Common Council, and for any such neglect to attend, or a violation of any rule of this Council, or for disorderly conduct, such censure or pecuniary penalty or expulsion may be inflicted as they may deem just, on those who shall render no sufficient excuse for their absence, or for violation of rule, or disorderly conduct.]

[§ 42-254. Common Council members; violations; investigation; secret session.

When any member of the Common Council shall be charged (which charge shall be in writing, and

presented at a meeting of the Common Council) with any violation of any law or ordinance of said City, or resolution, rule or regulation of said Council, the matter shall be referred at said meeting to a committee of investigation of not fewer than five members. The member charged shall have the right to object to not more than two members named on said committee; and the member complaining or charging shall have the same privilege, and other members shall be appointed to fill vacancies thus created. The member charged shall be served with a copy of said charges and notice when said committee shall hear the same. The committee shall then investigate the charges pursuant to such notice, and report to the Council. When the report of any such committee of-investigation shall be considered, the Council may order a secret session for that purpose.]-

[§ 42-255. Rules; altered, suspended or rescinded; procedures.

No rule of this Council shall be altered, suspended or rescinded unless by a majority vote of all members elected, and no motion to alter, suspend or rescind any such rule shall be in order without the unanimous consent of the Council, unless notice thereof shall have been given at the previous regular meeting, and no motion to suspend shall embrace more than one rule or relate to any other subject than the one specified in said motion.]

[§ 42-256. Proceedings of Council; Crosswell's Manual.

The proceedings of this Council shall be governed by the rules as published in Crosswell's Manual, in all cases not provided for by the foregoing rules.]

[§ 42-257. Resolutions; procedures on submitting.

All resolutions shall be received by the President (or presiding officer), and submitted to the Council in the following order, viz.: from the Aldermen of the several wards as they are numbered in numerical order, commencing with the First Ward at the first regular meeting in January and the following regular meeting commencing with the Nineteenth Ward, and in like manner so alternating at each session of the Council thereafter.]

§ 42-227 [42-258]. Regular meetings; schedule.

The regular official meetings of the Council shall be held on the first and third Mondays of each month. The Common Council [board] shall convene at 7:00 [8:00] p.m. Regular meetings of the Common Council may be changed by consent of the Council President, President Pro-Tempore and Majority Leader, when the regular meeting date falls on a holiday, religious or cultural observance. The public shall be notified of the new date as provided in the NYS Open Meetings Law.

[§ 42-259. Duties of committees.

A. The Committee on Academies and Schools shall consist of five members, whose duty it shall be to take into consideration all matters and things pertaining to the academies and schools relating to educational matters in said City as shall be referred to it.

B. The Committee on Accounts and Appeals shall consist of five members, whose duty it shall be to take into consideration all such accounts, claims and appeals as shall be referred to it.

C. The Committee on Applications to the Legislature shall consist of three members, whose duty it shall be to take into consideration and have charge of all statutes and amendments to same proposed or recommended by the Common Council for passage as shall be referred to it.

D. The Committee on Docks and Ferries shall consist of three members, whose duty it shall be to consider and report upon any subject relating to the occupancy and repairing of docks and ferries in said City, and such other matters connected therewith as may be referred to it.

E. The Fire Department Committee shall consist of three members, and its duty shall be to consider and report upon all matters connected with the Fire Department of the City of Albany, the good government and management, efficiency and expense thereof.

F. The Land Committee shall consist of three members, and its duty shall be to consider and report upon any proposed leasing or sale of any City property; and, subject to the special instruction and direction of the Common Council, conduct the leasing or sale of said City property.

G. The Law Committee shall consist of three members, who shall be members of the Council, and, with the Corporation Counsel, form the Law Department, according to law and the rules and ordinances of the Common Council.

H. The Committee on Levels shall consist of three members. Its duty shall be to consider and report upon any proposition to establish or change any level or grade of any street, sidewalk or alley in said City.

I. The Market Committee shall consist of three members, and its duty shall be to consider and report upon any subject connected with the public market of said City, and the regulation and government of the same.

J. The Committee on Navigation, Trade and Commerce shall consist of three members. Its duty shall be to consider and report upon all matters connected with the navigation of the Hudson River and the Erie Canal, and the trade and commerce thereof or connected therewith, and such other matters as may be referred to it.

K. The Police Committee shall consist of three members, and its duty shall be to examine and report upon all matters connected with the police of said City, including its efficiency and expense.

L. The Printing Committee shall consist of three members, and its duty shall be to examine and report upon all matters connected with the printing and stationery authorized by law or the Common Council.

M. The Committee on Privileges and Elections shall consist of three members, and its duty shall be to examine and report upon all matters referred to it pertaining to the privileges and conduct of the members of the Common Council, under any rule of said Common Council or law of the state; to

examine all questions growing out of elections in said City and all questions arising on the election and appointment of any City officer or member of said Common Council.

N. The Committee on Public Buildings shall consist of five members, and its duty shall be to take into consideration and report upon all matters relating to the keeping in order and keeping in repair all public buildings and their furniture and appurtenances, except as otherwise provided either by law, ordinance or resolution.–

O. The Committee on Public Celebrations and Entertainments shall consist of seven members, and it shall have the charge and management of all public celebrations and entertainments authorized by the Common Council; and all matters arising out of or relating thereto shall, when referred to it, be duly considered and reported by it.

P. The Railroad Committee shall consist of five members, and its duty shall be to consider and report upon all matters referred to it relating to the railroad corporations; to be careful and vigilant in requiring said corporations to fulfill their compacts with the City; and that the rights of the City and citizens be duly protected; and to report to the Common Council thereon whenever deemed expedient by said Committee or required by said Common Council.–

Q. The Committee on Relations of City and County shall consist of three members, and its duty shall be to consider and report upon all matters referred to it.

R. The Street Committee of the Northern, Southern and Western Sections shall consist of three members each, and its duty shall be to consider and report upon all matters, referred to it relating to the streets, sewers, cesspools, etc., in their respective sections, including the propriety of the change or repair of pavement, or the relaying of sidewalks and carriageways, and the construction or repairing of sewers and cesspools.

(1) The Northern Section embraces all that portion of the City north of the north line of State Street and east of the east line of Eagle Street, and the continuation of said east line of Eagle Street to the south line of Clinton Avenue, and all north of the south line of Clinton Avenue.–

(2) The Southern Section embraces all that portion of the City south of the north line of State Street and east of the east line of Eagle Street, including that portion of the late Town of Bethlehem.

(3) The Western Section embraces all that portion of the City west of the east line of Eagle Street and south of the south line of Clinton Avenue.

S. The Water Committee shall consist of five members, and its duty shall be to consider and report upon all communications and resolutions and other matters connected with the City water of said City, or communication relating to the same coming from the Commissioner of Public Works.] –

[§ 42-260. Public hearings; publication; Mayor.

Whenever a local law after its passage by the Common Council of the City of Albany shall be presented

to the Mayor for approval he shall forthwith fix a date for a public hearing concerning such local law, and cause public notice of the time and place of such hearing to be given. Such notice shall be given by publication for two successive days in the official newspaper or newspapers. Such hearing shall be held not earlier than five days after the day of the last publication of such notice. Such notice shall contain the title of the local law and an explanatory statement concerning the same. The Mayor shall attend at the time and place appointed for such hearing and afford an opportunity for a public hearing concerning such local law. Such hearing may be adjourned from time to time but an adjournment shall not operate to extend the time of the Mayor to approve such local law or return it to the Common Council with his objections pursuant to the City Home Rule Law.]

[§ 42-261. Inventory of property; report to Council; City Treasurer.

It shall be the duty of every City officer, board or commission having in his or its charge any City property to report to the Common Council annually, at the close of the fiscal year, an inventory of the property so held, setting its actual and just value, a copy of which inventory shall also be filed by said City officer, board or commission with the City Treasurer.]

Section 2. Section 42-148 of Article XX of Chapter 42 of the Code of the City of Albany is hereby amended as follows:

§ 42-148. Meetings; [Mayor] minutes.

The regular meetings of said Board shall be held at its office on the first and third Tuesdays of each month, at such hour as may be fixed by the Board. Special meetings of said Board shall be held at any time upon the call of the Mayor. The minutes of each meeting shall be distributed to each member of the Board, the Common Council, and to each department head within two weeks of each meeting. At the end of the year the minutes shall be indexed and maintained in a separate binder.

Section 3. Section 42-183 of Article XXIV of Chapter 42 of the Code of the City of Albany is hereby amended as follows:

§ 42-183. Power and authority; minutes.

A. The Board of Estimate and Apportionment of the City of Albany shall have power and authority to increase the salary or compensation of any City employee at any time during any fiscal year of the City, either before or after the appointment of any such employee, whether or not such salary or compensation shall previously have been fixed or provided for in the budget of said City for said fiscal year. Any such increases which the Board of Estimate and Apportionment may make after the adoption of the budget for any fiscal year of the City and which shall become effective during said fiscal year may be paid from any available funds or accounts as said Board shall determine. When the salary of the Corporation Counsel or the City Engineer is under consideration by the Board of Estimate and Apportionment, the Treasurer shall temporarily take the place on said Board of either of said members whose salary is under consideration.

B. The minutes of each meeting shall be distributed to each member of the Board, the Common Council, and to each department head within two weeks of each meeting. At the end of the year the

minutes shall be indexed and maintained in a separate binder.

Section 4. This ordinance shall take effect immediately.

Council Member Rosenzweig introduced the following, which was held:

Ordinance Number 5.21.11

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF THE CITY OF ALBANY BY ADDING THERETO A NEW PART 38 TO BE ENTITLED: "PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT COMMITTEE"

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

Section 1. Chapter 42 of the Code of the City of Albany is hereby amended to add a new part, to be known as Part 38, as follows:

**PART 38
PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT COMMITTEE
"PEGAOC" OF THE CITY OF ALBANY
Article XLIX
GENERAL PROVISIONS**

§ 42-373. Legislative findings.

A. The City of Albany negotiated a certain Franchise Agreement with Time Warner Cable (hereinafter "TWC"). Pursuant to Section 10 of said Franchise Agreement, TWC shall:

(1) provide the City with access channel(s) designated for non-commercial public, educational, and governmental use (otherwise known as "PEG" access), as required by Part 895.4 of the New York State Public Service Commission ("PSC") rules on cable television; and

(2) provide to the City funding for equipment as described in Appendix A of the Franchise Agreement. This equipment will be used exclusively for the production of PEG access programming or in connection with course work or other training intended to provide students with editing; programming; multimedia or similar skills which may be used in PEG programming production.

B. The Mayor and the Common Council find and declare that it is in the public interest of the citizens of the City of Albany to establish a Committee to oversee implementation of PEG access, the cable television public access facility/studio in the City of Albany and to promote public awareness of public access in the City.

C. Notwithstanding section 42- 377 (Meetings) of this Part it is the expectation of the Mayor and the Common Council that the PEGAOC shall meet on an at least monthly basis during Phase I implementation of the Franchise Agreement.

§ 42-374. Public, Education and Government Access Oversight Committee "PEGAOC"

established.

There is hereby created a City of Albany Cable Television Public, Education and Government Access Oversight Committee (hereinafter referred to as the "PEGAOC") for the purpose of overseeing the cable television public access facility/studio in the City of Albany and general implementation of PEG access.

§ 42-375. Purpose; Scope of authority.

The purpose of this legislation is to create an oversight body that shall:

- A. Assist in the development of public, education and government access television in the City including by promoting the use of the public studio to citizens and groups throughout the City.
- B. Oversee the cable television public access facility/studio and assist the Public Access Coordinator, whom shall be responsible for the day to day operation of the public access facility/studio.
- C. Review memorandums of understanding between the city and relevant entities to assure implementation of PEG access.
- D. Make recommendations on the success of the programs in Phase I of PEG funding and based upon said findings make recommendations for expenditures of Phase II funding.

§ 42-376. Membership; term; compensation; vacancies; quorum.

- A. The "PEGAOC" shall be composed of eleven voting members, four of whom shall be appointed by the Common Council and two of whom shall be appointed by the Mayor. The term of each member so appointed shall be three years; provided, however, that of the initial members two appointed by the Common Council shall serve for a one year term; one appointed by the Common Council and one appointed by the Mayor shall serve for a two year term; and one appointed by the Common Council and one appointed by the Mayor shall serve for a three year term. The remaining members of the Committee shall be composed of the following: one representative from the Albany City School District; one representative from the College of Saint Rose; one representative from the New School of Radio and Television; one representative from the Capitalize Albany Corporation; and one representative from the host location of the public access facility/studio.
- B. The six members appointed by the Common Council and the Mayor shall be residents of the City of Albany and possess knowledge and interest in promoting public access cable television in the City of Albany. In making such appointments, the Common Council and Mayor shall endeavor to reflect the community diversity of the City of Albany.
- C. The Mayor shall have the authority to designate one of the voting members as the initial Chairperson to serve for a term of one year; thereafter members of the "PEGAOC" shall annually elect a chairperson and such other officers as may be determined by the "PEGAOC".
- D. Members of the "PEGAOC" shall serve without compensation. Vacancies shall be filled in the same manner as the predecessor to fill the unexpired term.
- E. Six members of the "PEGAOC" shall constitute a quorum. Action cannot be taken without a minimum of six concurring votes of the membership.

§ 42-377. Meetings.

The "PEGAOC" shall meet no less than quarterly for the purpose of conducting any business necessary to the operation of the "PEGAOC". The "PEGAOC" may meet at such additional times and places as deemed necessary by its members, or on the call of the Chairperson. All meetings of the "PEGAOC" shall be held in accordance with Article 7 of the New York State Public Officers Law (Open Meetings Law) and shall provide a reasonable opportunity for public comment in accordance with rules and guidelines adopted by the "PEGAOC".

§ 42-378. Public Outreach.

The "PEGAOC" shall prepare an informational pamphlet on, and regularly publicize, the mission and purpose of the "PEGAOC".

§ 42-379. Annual Report.

The "PEGOAC" shall report annually on or before February first to the Common Council regarding its activities and performance, including recommendations, if any, to the Mayor and the Common Council.

§ 42-380. Severability.

If any clause, sentence, paragraph, sections or part of this ordinance be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. This ordinance shall be effective upon passage and ratification of the Franchise Agreement by the Common Council, Mayor and approval of the Public Service Commission (PSC).

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

Ordinance Number 6.21.11

AN ORDINANCE AMENDING ORDINANCE 53.42.10 REGARDING THE ESTIMATED COST AND AMOUNT OF BONDS FOR THE CAPITAL IMPROVEMENT OF WESTLAND HILLS PARK

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

Section 1. Section 1 of Ordinance 53.42.10 is hereby amended to read as follows:

Object or Purpose: Artificial swimming pools.

Local Finance Law Section 11.00(a) Subparagraph 61

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: ~~[\$125,000.00]~~ \$205,000.00

Maximum Amount of Bonds: ~~[\$125,000.00]~~ \$205,000.00

Treasurer's Bond Authorization Numbers: Y-10

Treasurer's Project Numbers: GH 71108026

Section 2. Section 2 of Ordinance 53.42.10 is hereby amended to read as follows:

The plan of financing such objects or purposes is the issuance of [~~\$125,000.00~~] \$205,000.00 serial bonds hereby authorized to be issued.

Section 3. Except as herein amended, Ordinance 53.42.10 is hereby ratified, continued and approved.

Section 4. This ordinance shall take effect immediately.

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

Ordinance Number 7.21.11

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)

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: Highway, roads, streets, parkways and parking areas.

Local Finance Law Section 11.00(a) Subparagraph 20(c)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$2,400,000.00

Maximum Amount of Bonds: \$2,400,000.00

Treasurer's Bond Authorization Numbers: B-11

Treasurer's Project Numbers: GH 50108102

Section 2. The plan of financing such objects or purposes is the issuance of \$2,400,000.00 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 constitute either unlisted of 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 7, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

Ordinance Number 8.21.11

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$480,000.00 AND AUTHORIZING THE ISSUANCE OF \$480,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (SIDEWALK RECONSTRUCTION)

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: Curbs, sidewalks and gutters.
Local Finance Law Section 11.00(a) Subparagraph 24
Period of Probable Usefulness: 10 years
Maximum Term of Obligations: 10 years
Maximum Estimated Cost: \$480,000.00
Maximum Amount of Bonds: \$480,000.00
Treasurer's Bond Authorization Numbers: C-11
Treasurer's Project Numbers: GH 50108103

Section 2. The plan of financing such objects or purposes is the issuance of \$480,000.00 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 constitute either unlisted of 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 7, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

Ordinance Number 9.21.11

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)

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: Curbs, sidewalks and gutters.
Local Finance Law Section 11.00(a) Subparagraph 24
Period of Probable Usefulness: 10 years
Maximum Term of Obligations: 10 years
Maximum Estimated Cost: \$205,000.00
Maximum Amount of Bonds: \$205,000.00
Treasurer's Bond Authorization Numbers: D-11
Treasurer's Project Numbers: GH 50108104

Section 2. The plan of financing such objects or purposes is the issuance of \$205,000.00 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 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 7, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Council Member Sano introduced the following, which was referred to the Finance, Taxation and Assessment Committee:

Ordinance Number 10.21.11

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 HALL IMPROVEMENTS)

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: Additions to or conversion of buildings.

Local Finance Law Section 11.00(a) Subparagraph 12(2)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$300,000.00
Maximum Amount of Bonds: \$300,000.00
Treasurer's Bond Authorization Numbers: E-11
Treasurer's Project Numbers: GH 14408105

Section 2. The plan of financing such objects or purposes is the issuance of \$300,000.00 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 constitute either unlisted of 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 7, 2011 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany.

Council Member Conti asked and received majority consent to add Ordinance Number 11.21.11 to the pending agenda, which was approved by unanimous voice vote.

Council Member Sano introduced the following, which was held:

Council Member Conti asked Unanimous Consent to allow a motion for the passage of Ordinance 11.21.11(MC) on its same night of introduction, which was approved by unanimous voice vote.

Council Member Sano asked for passage of Ordinance 11.21.11 (MC), which had been previously introduced:

Ordinance Number 11.21.11(MC)(UC)

AN ORDINANCE REGARDING CERTAIN BONDS OF THE CITY OF ALBANY, NEW YORK (THE "CITY"), ADOPTED FEBRUARY 7, 2011, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF: THE \$1,735,000 OUTSTANDING PRINCIPAL BALANCE OF THE SERIAL BONDS, SERIES 1997A ORIGINALLY ISSUED BY THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$11,375,000; THE \$6,180,000 OUTSTANDING PRINCIPAL BALANCE OF THE SERIAL BONDS, SERIES 2000 ORIGINALLY ISSUED BY THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$17,555,000; THE \$6,790,000 OUTSTANDING PRINCIPAL BALANCE OF THE GENERAL OBLIGATION (SERIAL) BONDS 2001 ORIGINALLY ISSUED BY THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$14,098,000; AND THE \$13,150,000 OUTSTANDING PRINCIPAL BALANCE OF THE GENERAL OBLIGATION (SERIAL) BONDS, 2003 ORIGINALLY ISSUED BY THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$21,908,218, STATING THE PLAN OF REFUNDING, APPROPRIATING AN APPROXIMATE AGGREGATE AMOUNT OF \$21,395,000 THEREFOR, AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$21,395,000 CITY OF ALBANY GENERAL OBLIGATION REFUNDING (SERIAL) BONDS, SERIES 2011 TO FINANCE SAID APPROPRIATION AND THE COSTS RELATED THERETO, AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS RELATED THERETO, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO

RECITALS

WHEREAS, the City of Albany, New York (the “City”), has heretofore issued:

(i) \$11,375,000 Serial Bonds, Series 1997A, now outstanding in the approximate aggregate principal amount of \$1,735,000, which are scheduled to mature in varying principal amounts on December 1, 2011 through December 1, 2017, and which bonds bear interest at the rates of 4.800% to 5.000% per annum;

(ii) \$17,555,000 Serial Bonds, Series 2000, now outstanding in the approximate aggregate principal amount of \$6,180,000, which are scheduled to mature in varying principal amounts on September 1, 2011 through September 1, 2025, and which bonds bear interest at the rates of 5.000% to 5.500% per annum;

(iii) \$14,098,000 Serial Bonds, Series 2001, now outstanding in the approximate aggregate principal amount of \$6,790,000, which are scheduled to mature in varying principal amounts on August 1, 2011 through August 1, 2021, and which bonds bear interest at the rates of 4.125% to 5.000% per annum;

(iv) \$21,908,218 Serial Bonds, Series 2003, now outstanding in the approximate aggregate principal amount of \$13,150,000, which are scheduled to mature in varying principal amounts on August 1, 2014 through August 1, 2018, and which bonds bear interest at the rates of 4.000% to 4.250% per annum; and

WHEREAS, Sections and 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), permit the City to refund all or any portion of outstanding serial bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the City;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF ALBANY, NEW YORK, AS FOLLOWS:

Section 1. In this ordinance, the following definitions apply, unless a different meaning clearly appears from the context:

(a) **“Bonds To Be Refunded”** means a portion of the outstanding (i) \$11,375,000 CITY OF ALBANY SERIAL BONDS, SERIES 1997A, (ii) \$17,555,000 CITY OF ALBANY SERIAL BONDS, SERIES 2000, (iii) \$14,098,000 CITY OF ALBANY SERIAL BONDS, SERIES 2001 and (iv) \$21,908,218 CITY OF ALBANY SERIAL BONDS, SERIES 2003. The aggregate principal amount of the Bonds To Be Refunded is approximately \$21,395,000.

(b) **“Present Value Savings”** means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest and liquidity facility payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds, at a rate equal to the All Inclusive Cost of the Refunding Bonds. The All Inclusive Cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, original issue premium/ (discount), less any bond insurance premium, and less the underwriter’s discount and costs of issuance, or, if there is no public offering, to the price bid including estimated accrued interest, original issue premium/(discount), less any bond insurance premium, and less the underwriter’s discount and costs of issuance.

(c) **“Refunding Bond”** or **“Refunding Bonds”** means a portion or all of the approximate \$19,180,000 City of Albany General Obligation Refunding (Serial) Bonds, 2011 Series A and the approximate \$1,675,000 City of Albany General Obligation Refunding (Serial) Bonds, 2011 Series B, authorized pursuant to Section 2 hereof.

(d) **“Refunding Bond Amount Limitation”** means an amount of Refunding Bonds which does not exceed (i) the principal amount of Bonds To Be Refunded; (ii) the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, which are subject to prior redemption; (iii) redemption premiums, if any, payable on the Bonds To Be Refunded; plus (iv) costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan.

Section 2. The Common Council of the City (the “Council”) hereby authorizes the refunding of all of the approximate aggregate \$21,395,000 Bonds To Be Refunded of the City, more particularly described and referred to in the Recitals hereof, and appropriates an approximate amount of \$21,395,000 to accomplish such refunding. The plan of financing for said appropriation includes the issuance of approximately \$21,395,000 Refunding Bonds and the pledge of the City’s revenues and other receipts, funds and moneys to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Serial bonds of the City in the approximate aggregate principal amount of \$21,395,000 and designated “CITY OF ALBANY GENERAL OBLIGATION REFUNDING (SERIAL) BONDS, 2001 SERIES A” AND “CITY OF ALBANY GENERAL OBLIGATION REFUNDING (SERIAL) BONDS, 2001 SERIES B” are hereby authorized to be issued pursuant to the provisions of the Law. The financial plan for the refunding (the “Refunding Financial Plan”), prepared for the City by the RBC Capital Markets or other firm retained by the City for such purpose, annexed hereto as Exhibit “A”, is hereby accepted and approved.

Section 3. The approximate \$21,395,000 Bonds To Be Refunded referred to in Section 1 hereof are the unmatured outstanding balance of the Serial Bonds, Series 1997A, Serial Bonds, Series 2000, Serial Bonds, Series 2001 and Series Bonds, Series 2003 which were originally issued pursuant to various bond ordinances duly adopted by the Council, authorizing the issuance of serial bonds of the City for various City purposes.

Section 4. The Refunding Bonds authorized in the approximate aggregate principal amount of \$21,395,000 shall mature in amounts and at dates to be determined by the City Treasurer, but tentatively in accordance with the maturity schedule set forth in the Refunding Financial Plan. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The City Treasurer, as the chief fiscal officer of the City, is hereby authorized to approve all details of the Refunding Financial Plan not contained herein.

Section 5. The approximate aggregate amount of estimated present value savings, computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds, is set forth in the proposed Refunding Financial Plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Sections 90.00 and 90.10 of the Law. Said Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount and will mature, be of such terms, and bear such interest as set forth therein. The Council recognizes that the principal amount of the Refunding Bonds, the provisions, if any, for the redemption thereof prior to maturity, and the resulting present value savings, may vary from such assumptions and that the Refunding Financial Plan may vary from that attached hereto as Exhibit A.

Section 6. (a) The Refunding Bonds shall be sold at private or negotiated sale, provided that the terms and conditions of such sale shall be approved by the State Comptroller. Prior to the issuance of the Refunding Bonds, the City Treasurer shall have filed with the City Clerk all requisite certifications, including a certificate approved by the State Comptroller setting forth the Present Value Savings to the City resulting from the issuance of the Refunding Bonds. The City Treasurer, as the chief fiscal officer of the City, is hereby authorized and directed to execute any and all documents and instruments necessary or desirable for the sale of said Refunding Bonds including, but not limited to, a bond purchase agreement therefor.

(b) The City Treasurer is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the City in connection with said refunding.

Section 7. Each of the Refunding Bonds authorized by this ordinance shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the City payable as to both principal and interest by a general tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the City for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. The City hereby covenants and agrees with the holders from time to time of said Refunding Bonds that the City will duly and faithfully observe and comply with the provisions of the Internal Revenue Code of 1986, as amended, and any proposed or final regulations promulgated thereunder, unless, in the opinion of Bond Counsel to the City, such compliance is not required to maintain the federal tax exemption of interest on said obligations from federal income taxation.

Section 9. The City Treasurer is hereby authorized to enter into an escrow contract ("Escrow Contract") with a bank or trust company or a securities entity located and authorized to do business in this state, for the purpose of having such entity act as the escrow holder (the "Escrow Holder") a portion of the proceeds of the Refunding Bonds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds, if and to the extent such an Escrow Contract is recommended or required by bond counsel to the City. All monies held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such monies will be required to make payments in accordance with the Refunding Financial Plan and Section 1493-h of the Law.

Section 10. The portion of the proceeds from the sale of the Refunding Bonds, together with interest earned thereon, if any, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such monies and the investment thereof held by the Escrow Holder, if any. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the monies and investments held by the Escrow Holder, if any, shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 11. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Council hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Dates, as such dates are determined by the City Treasurer. The sums to be paid therefor on such Redemption Date shall be the par value thereof, the accrued interest to the Redemption Dates and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such call for redemption to be given in the name of the Town by mailing such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior redemption at least thirty days prior to such Redemption Dates. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Dates and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 12. The Members hereby determine that the refunding of the Bonds to Be Refunded constitutes a “Type II Action” and therefore no environmental impact statement or any other determination or procedure under the Environmental Conservation Law and the regulations adopted pursuant thereto (the “Regulations”) is necessary with respect thereto (as said quoted term is defined in the Regulations).

Section 13. The validity of the Refunding Bonds authorized by this ordinance may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the New York State Constitution.

Section 14. The ordinance shall take effect immediately.

**Note: Council Member Conti and Council President McLaughlin spoke on this ordinance prior to passage.*

Passed by the following vote of all the Council Members elected voting in favor thereof:

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

Affirmative 15 Negative 0 Abstain 0

Council Member Konev asked that Ordinance Number 70.52.10 be withdrawn.

The remaining Ordinances on the pending agenda were held at the request of Council Member Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Conti introduced the following, which was referred to the Council Operations and Ethics Committee:

Resolution Number 4.21.11R

RESOLUTION OF THE COMMON COUNCIL ESTABLISHING THE CITY OF ALBANY REAPPORTIONMENT COMMISSION IN ACCORDANCE WITH SECTION 406 OF THE CHARTER OF THE CITY OF ALBANY

WHEREAS, Section 406 of the Charter of the City of Albany requires the Common Council to appoint a Reapportionment Commission within six months after the publication of each federal decennial census to evaluate existing ward boundaries for equity and representation in relation to the population; and

WHEREAS, the Reapportionment Commission is to include City residents in such proportion as to reasonably reflect the demographic composition of the City, together with such other expert and official representatives as shall be deemed necessary and appropriate; and

WHEREAS, the Reapportionment Commission shall review the population data from the 2010 Federal Decennial Census and within six months after appointment make recommendations, if necessary, in the form of a proposed local law as to changes in ward boundaries for the City of Albany; and

WHEREAS, in its deliberations the Commission shall consider the application of the “one person, one vote” concept and the equal protection clauses of the Fourteenth Amendment of the United States Constitution and Article I, Sections I and II of the New York State Constitution; and

WHEREAS, the Commission shall work to obtain maximum public participation in its deliberations through use of public notices and public hearings.

NOW, THEREFORE BE IT RESOLVED, that in accordance with Section 406 of the Charter of the City of Albany, the Common Council does hereby establish a City of Albany Reapportionment Commission to be comprised of seven (7) members appointed by the Common Council in accordance with procedures utilized by the Common Council for making appointments to boards, commissions and authorities.

Council Member Fahey introduced the following, which was held:

Resolution Number 5.21.11R

RESOLUTION PROMOTING LOCAL AND REGIONAL FOOD SYSTEM INITIATIVES WITHIN THE CITY OF ALBANY

WHEREAS, the City of Albany is developing a comprehensive plan for the future of Albany, *Albany 2030*, that emphasizes the importance of sustainable resources, development and land use; and

WHEREAS, food is a basic necessity and resource, and Albany’s food system must be sustainable to ensure the health and well being of all residents now and in the future; and

WHEREAS, “food system” refers to the agents, institutions and processes that link food producers and food consumers; and

WHEREAS, the amount of energy expended in a food system through production, processing, transportation and disposal, is indicative of its level of sustainability; and

WHEREAS, food that is produced and consumed locally requires less energy as opposed to food that is not produced locally and uses non-renewable fossil fuels to a degree that is unsustainable; and

WHEREAS, reliance on food that is not produced locally is an issue of “food security”, placing Albany residents at risk if food could not be produced and/or transported from far distances; and

WHEREAS, institutional and residential food waste is upwards of 19% of the solid waste stream in Albany and is currently landfilled, with plans being developed to institute more sustainable solutions that include composting and reduction of food waste; and

WHEREAS, improving and fostering local and regional food systems not only has environmental benefits but, also, financial, social and health benefits; and

WHEREAS, money spent on food at community based restaurants, markets and other food venues has a greater impact on the local economy because a larger percentage of the profits stay local; and

WHEREAS, some Albany residents cannot easily access or afford fresh and healthy foods; and

WHEREAS, community gardens, community kitchens, farmers markets, small grocers, and individual family food production and backyard gardening are local alternatives that can improve residents’ ability to afford and/or access fresh and healthy foods; and

WHEREAS, providing incentives for smaller scale, local food based businesses to develop, such as, small food processors, small-scaled butcher shops, fish farms and fish mongers, would encourage local food production and consumption, and create employment opportunities; and

WHEREAS, the community-building that occurs when people work together to produce food is a distinct social benefit; and

WHEREAS, increased access to fresh and healthy food will help to reduce diet related health problems such as obesity, malnutrition, chronic diseases and the associated financial costs.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany encourages the City to actively assess and make recommendations to mitigate aspects of food production and consumption that hinder food sustainability.

BE IT FURTHER RESOLVED, that the City of Albany Common Council will advance legislation and policy initiatives to strengthen our local and regional food system in ways that include:

- Increasing residents’ opportunities to purchase, grow and produce healthy food;
- Supporting the development of smaller scaled business opportunities;
- Improving the distribution of locally and regionally produced food;
- Ensuring that low income communities have increased access to affordable, healthy food;

- Reducing food in the waste stream.

Council Member Calsolaro, Conti, Herring, Konev and Smith offered the following, asked for passage and a roll call vote thereon:

Resolution Number 6.21.11R

RESOLUTION OF THE COMMON COUNCIL SUPPORTING ENACTMENT OF H.R. 308/ S. 32 TO PROHIBIT THE TRANSFER OR POSSESSION OF LARGE CAPACITY AMMUNITION FEEDING DEVICES

WHEREAS, large capacity magazines can hold from 10 to 100 rounds of ammunition and because of their ability to hold so many rounds, significantly increase the lethality of the automatic and semi-automatic firearms using them; and

WHEREAS, semi-automatic pistols with the capability to hold large capacity magazines are a relatively new phenomenon and sales of semi-automatic weapons now outsell revolvers; and

WHEREAS, semi-automatic pistols with large capacity magazines have become the gun of choice in mass shootings including those that occurred in Tucson, Arizona, Columbine High School, Virginia Tech, Fort Hood, Texas and the Pettit & Martin Law Offices in San Francisco; and

WHEREAS, there was a federal law that banned these large capacity magazines which was allowed to sunset in 2004 despite overwhelming public support for the ban; and

WHEREAS, on January 18, 2011, in the wake of the shootings in Tucson, Arizona of Representative Gabrielle Giffords and others, Representative Carolyn McCarthy introduced legislation to ban large capacity ammunition magazines that can accept more than 10 rounds.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council expresses its support for H.R. 308/ S. 32 and a ban on the transfer or possession of large capacity ammunition feeding devices.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

**Note: Council Member Calsolaro spoke on this resolution prior to passage.*

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Negative – Freeman

Affirmative 14 Negative 1 Abstain 0

At the request of Council President McLaughlin, Council Members Jenkins-Cox, Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig, Sano and Smith

introduced the following, which was held:

Resolution Number 7.21.11R

RESOLUTION COMMEMORATING BLACK HISTORY MONTH 2011 AND HONORING THE EXTRAORDINARY CONTRIBUTIONS OF AFRICAN-AMERICANS TO THE NATION AND THE CITY OF ALBANY

WHEREAS, African-Americans have provided much labor, intellect, creativity, strength and leadership that has made the United States of America a great place to live and a leader in the attainment of freedom and justice in the modern world; and

WHEREAS, African-Americans have also supplied much of the labor, intellect, creativity, strength and leadership that built the City of Albany and its many neighborhoods and communities since colonial times and played a major role in the justice and freedom seeking activities of the Underground Railroad; and

WHEREAS, the extraordinary role of African-Americans in the nation as a whole and Albany in particular has too often been overlooked by both well-meaning individuals and those blinded by the legacy of racism left in the wake of our nation's history of slavery and bondage; and

WHEREAS, despite the many obstacles placed in the way of generations of African-Americans, they have proven their ability to keep the dream of freedom and racial justice alive by constantly striving to overcome those who would limit their educational and economic opportunities by restricting their choices and limiting their options through the use of Jim Crow laws, poll taxes and other restrictions; and

WHEREAS, the sacrifices and successes of those many generations of African-Americans led to the establishment of churches known for their religious leadership, the founding of historically black colleges and universities responsible for educating millions throughout the nation, entrepreneurs who have created thousands of jobs, and the flourishing of a rich cultural and artistic heritage that has contributed greatly to our nation and beyond; and

WHEREAS, efforts to restrict the rights of African-Americans have continued to this day and the struggle against racism remains a crucial battle throughout our nation generally and the City of Albany specifically that is directly relevant to our communities; and

WHEREAS, the intellect, creativity and leadership of African-Americans throughout the City of Albany's history remains a largely untold story and it is important for all residents of our City to become familiar with it; and

WHEREAS, Black History Month celebrations raise awareness and have proven to be valuable tools in drawing attention to contributions made by African-Americans to the United States; and

WHEREAS, it is important for the Common Council, as the legislative body that represents all residents of the City of Albany to commemorate the valuable contributions of African-Americans to the city and the nation; and

WHEREAS, the 4th Ward nominates and honors Alberta Chambliss. Ms. Chambliss moved to Albany from New York City in 2002 and has been a resident of Arbor Hill since 2003. In the relatively short time that Ms. Chambliss has lived in Albany, she has contributed much to the well being and quality of life of her neighborhood. Ms. Chambliss energetically and generously gives of herself and is a highly effective leader in the community. Ms. Chambliss arrived here as a displaced homemaker and immediately began to participate in training programs offered by the Albany Housing Authority in order to enhance her job skills. Ms. Chambliss went on to earn an Associate's degree in accounting from Hudson Valley Community College where she was the recipient of a Diversity Scholarship. She currently utilizes her training in her position with the New York State Tax Department and she has also worked for the New York State Health Department and the Department of Corrections. Ms. Chambliss

has conveyed the importance of education and a strong work ethic to her four children. Three of them have earned Bachelor's or Associate's degrees. Her youngest daughter will receive her Associate's degree in May of this year. In 2003 Ms. Chambliss moved to Ida Yarbrough and became a member of the Tenants Association. In June of 2003 she accepted the responsibility of serving as president of the association for the low rise and was in that position through 2004. Ms. Chambliss's civic involvement has included volunteering for several political campaigns, working with Citizen Action, and mentoring students at Philip Livingston Magnet Academy. In 2009 Ms. Chambliss's neighbors begged her to get involved again in the Ida Yarbrough Tenants Association which by that time had consolidated both the high rise and low rise organizations. She is currently the president of the Tenants Association. Under her leadership the community store at Ida Yarbrough has reopened and since October 2010 there has been a well organized Tenants Patrol which works with the Albany Housing Authority and the Albany Police Department to maintain safety and improve quality for residents of Ida Yarbrough. Ms. Chambliss views her community involvement as a way of honoring the African American traditions of our ancestors. She works to instill a sense of self worth, pride, and collective responsibility. She works to help people to empower themselves. Ms. Chambliss believes that we have got to work together and states that she gets her reward when she sees the results. The results of her work have been significant. We are fortunate to have her as a resident of the Fourth Ward and the City of Albany, and

WHEREAS, the 5th Ward proudly nominates Robert Gibson as it's 2010 Black History Month honoree. Robert Gibson is a devoted husband to his wife Colleen Gibson; he has been married for twenty-five years. He is the father of 4 children, Javon Gibson, Rashonda Latimer and Robert Jr. Russell Gibson. He is the grandfather of five. Mr. Gibson has worked for the Albany City School District for the past thirteen years. He enjoys fishing and uses this hobby to teach local youth that have never fished how to fish, proving to the kids that there is more out there than street violence. Mr. Gibson is a very good mechanic and enjoys working on cars. He is very committed to his community. He is a trailblazer and has always been helpful whenever organizing is needed for block events, informational tables and the like. Mr. Gibson does his part in making the community aware of the services that are available to them. In times of hardship, this man is known to gather local neighbors to find a way to bring peace and a sense of calm to the neighborhood.

WHEREAS the 6th Ward recognizes the **"We Are Part of You"** campaign (also known as the "I Am Gay" campaign) which began December 6, 2010 and runs through February 28, 2011 and which is sponsored by In Our Own Voices, an organization dedicated to addressing the many needs of LGBT Communities of Color which is located in the 6th Ward at 245 Lark Street. The campaign is featured on billboards, CDTA buses and shelters in Albany, Schenectady, Rensselaer, and Montgomery Counties and depicts Black Gay Men in familial, religious, and recreational settings with the tag line: "We have always been a part of this community. We are your sons, fathers, brothers, uncles, nephews, and friends. It's time to treat us with the love we deserve." The "We Are Part of You" campaign was initially launched in 2007 in New York City to address the rise in HIV cases among Black Gay Men (BGM) which were believed to be caused in part by the stigmatization of Homosexuality in the Black Community. As In Our Own Voices (IOOV) seeks to promote the health and well-being of Lesbian, Gay, Bisexual, and Transgender People of Color, they have brought this campaign to the Capital Region. According to In Our Own Voices, the "We Are Part of You" campaign "... is about challenging the belief that our lives don't matter and aren't worth saving. It exposes and confronts homophobia, which we see in the form of inaction, silence and even violence. It interrupts that silence with a loud voice: Black gay men's lives matter!". While the campaign has met with some controversy, it is an important effort to address the social context that contributes to the rising rates of HIV among Black Gay Men who may be reluctant to be tested because of the stigma and bigotry they experience in their home communities. In Our Own Voices is to be commended and recognized for bringing this campaign and message to the Capital Region and for this reason we recognize the "We Are Part of You" campaign;

NOW, THEREFORE, BE IT RESOLVED, that the Albany Common Council, acting on behalf of all the people of the City of Albany, hereby commemorates February 2011 as Black History Month, and pauses in its deliberation to honor the sacrifices and contributions made by African-Americans.

BE IT FURTHER RESOLVED, that the Common Council honors all of the nominees in recognition of their leadership, service, and contributions to civic life throughout the City of Albany.

Council Member O'Brien asked for passage of RESOLUTION NUMBER 3.12.11R(MC) (RESOLUTION OF THE COMMON COUNCIL DETERMINING THAT THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS) IS COMPLETE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA) AND THE REGULATIONS PROMULGATED THEREUNDER IN CONNECTION WITH THE SOLID WASTE MANAGEMENT PLAN FOR THE CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP PLANNING UNIT), which had been previously introduced.

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

Passed by the following vote of all the Council Members elected voting in favor thereof:

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

Negative – Calsolaro and Smith

Affirmative 13 Negative 2 Abstain 0

The remaining Resolutions on the pending agenda were held at the request of Council Member Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Herring offered the following, which was approved 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, 2012, AND WAIVE THE READING OF THE NAMES:

Brown, Linda E, 65 Burhans Place, Delmar, NY 12054
(Employer: Albany County Board of Elections, Albany, 12206)

Council Member Fahey reminded Council Members that Albany Commission on Human Rights would be holding their annual recognition ceremony on Wednesday, February 9, 2011 in the rotunda of City Hall.

Council Member Commisso discussed comments made during Reports of Standing Committees and stated that he would not be withdrawing his retiree contribution legislation.

Council Member Conti reported that the Council has received one application for the appointment to the Board of Assessment Review and asked the Committee on Finance, Taxation and Assessment to meet prior to the next Council meeting to interview the applicant and determine qualification and

recommendation for appointment.

ADJOURNMENT

Council Member Conti moved for adjournment.

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

A true record of the Common Council Minutes of February 7th, 2011.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL