

COMMON COUNCIL OF THE CITY OF ALBANY
SUPPORT LEGISLATION
MAY 3, 2021

ORDINANCES

12.51.21 **AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO BRENDA ROBINSON OF 256 LIVINGSTON AVENUE (Tax Map Parcel Number 65.65-5-16) AND 258 LIVINGSTON AVENUE (Tax Map Parcel Number 65.65-5-15**

13.51.21 **AN ORDINANCE AMENDING CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VII, ENTITLED “SMALL CELL WIRELESS FACILITIES IN CITY RIGHTS OF WAY”**

RESOLUTIONS

41.51.21R **A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO ADJUSTMENT OF SALARIES FOR CERTAIN POSITIONS IN THE 2021 BUDGET (DEPARTMENT OF LAW)**

42.51.21R **A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A POSITION, WHICH WILL AFFECT A SALARY TOTAL FOR THE 2021 BUDGET (ALBANY COMMUNITY DEVELOPMENT AGENCY)**

43.51.21R **RESOLUTION OF THE COMMON COUNCIL DECLARING ITS OPPOSITION TO WASTE MANAGEMENT OF NEW YORK, INC.’S PROPOSAL TO AMEND ITS SOLID WASTE PERMIT TO ALLOW THE TRANSFER STATION IT OPERATES IN ALBANY’S SOUTH END TO ACCEPT MUNICIPAL SOLID WASTE**

44.51.21R **RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY CELEBRATING THE CONTRIBUTIONS OF BENJAMIN G. GARLAND AND RENAMING A PART OF CLINTON AVENUE IN HIS HONOR**

45.51.21R **RESOLUTION OF THE COMMON COUNCIL PROCLAIMING MAY 2021 AS BIKE MONTH IN THE CITY OF ALBANY**

Council Member Love introduced the following:

ORDINANCE 12.51.21R

AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO BRENDA ROBINSON OF 256 LIVINGSTON AVENUE (Tax Map Parcel Number 65.65-5-16) AND 258 LIVINGSTON AVENUE (Tax Map Parcel Number 65.65-5-15)

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 0.06± acre parcel at 256 Livingston Avenue (Tax Map Parcel Number 65.65-5-16), be sold at private sale, pursuant to the provisions of Local Law No. 4 of 1984, to Brenda Robinson.

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

Section 2. It is hereby ordered and directed that all the right, title, and interest of the City of Albany in and to the 0.09± acre parcel at 258 Livingston Avenue (Tax Map Parcel Number 65.65-5-15), be sold at private sale, pursuant to the provisions of Local Law No. 4 of 1984, to Brenda Robinson.

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

Section 3. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.

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

Section 5. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
22ND DAY OF APRIL, 2021**

Corporation Counsel

To: Danielle Gillespie, City Clerk
From: Brett Williams, Esq., Sr. Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: April 22, 2021

SPONSOR Council Member Love

ORDINANCE 12.51.21R

TITLE

AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO BRENDA ROBINSON OF 256 LIVINGSTON AVENUE (Tax Map Parcel Number 65.65-5-16) AND 258 LIVINGSTON AVENUE (Tax Map Parcel Number 65.65-5-15)

GENERAL PURPOSE OF LEGISLATION

The adjacent property owner, Dr. Brenda Robinson, wishes to purchase these properties.

No objections to the sales were raised at the April 22, 2021 Technical Review Committee meeting.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

The sale of City-owned property requires Common Council approval.

FISCAL IMPACT(S)

No sale price has yet been determined. 256 Lancaster has a full market value of \$2,248 according to the 2020 assessment roll and 258 Livingston has a full market value of \$2,784.

Council Member Fahey introduced the following:

ORDINANCE 13.51.21

AN ORDINANCE AMENDING CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VII, ENTITLED “SMALL CELL WIRELESS FACILITIES IN CITY RIGHTS OF WAY”

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

Section 1. Chapter 323 (Streets and Sidewalks) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to add a new Article VII, to be entitled “Small Cell Wireless Facilities in City Rights of Way,” to read as follows:

§ 323-100 Purpose and scope.

A. The purpose of this Article is to establish uniform standards for the deployment and installation of Small Wireless Facilities in rights-of-way within the City’s jurisdiction, including, without limitation, to:

- (1) Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) Prevent interference with existing facilities and operations of facilities presently lawfully located in rights-of-way or public property;
- (4) Ensure that reasonable efforts are made to preserve the character of neighborhoods in which facilities are installed;
- (5) Protect against environmental damage, including damage to trees; and
- (6) Facilitate rapid deployment of Small Wireless Facilities to provide the benefits of reliable access to wireless telecommunications technology, broadband, and emergency services to homes, businesses, schools, and other uses within the City.

B. The City recognizes the importance of Small Wireless Facilities to provide high-quality communications and internet access to residents and businesses within the City. The City also recognizes its obligation to comply with applicable Federal and State laws regarding the placement of Small Wireless Facilities within the City's rights-of-way, including, without limitation, the federal Telecommunications Act, as codified at 47 U.S.C. §§ 253 and 332(c), and the federal Spectrum Act, as codified at 47 U.S.C. § 1455, and this Article shall be interpreted consistent with those provisions.

C. To the extent that this Article may conflict with other sections of the Code of the City of Albany, this Article shall be controlling to the extent of such conflict.

D. In establishing the rights, obligations, and conditions set forth in this Article, it is the intent of the City to treat each applicant and right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, while taking into account the unique technologies, situations, and legal status of each applicant or request for use of the right-of-way.

§ 323-101 Definitions.

Aesthetic Standards

Shall mean such standards as may be published from time to time by the CPO, as consistent with this Article, which shall set forth rules and regulations for the siting and construction of Small Wireless Facilities within the City ROW.

Applicable Law or Law

Shall mean all federal, state, and local laws, statutes, codes, ordinances, resolutions, orders, rules, and regulations.

CPO

Shall mean the Chief Planning Official of the City of Albany, as that term is defined in the City of Albany Unified Sustainable Development Ordinance.

Collocate

Shall mean to attach, install, mount, maintain, modify, operate, and/or place one or more Facilities on an existing support structure.

Deployment

Shall mean the construction, repair, replacement, maintenance, attachment, installation, removal, reattachment, reinstallation, relocation, and/or operation of Facilities within the City ROW.

Equipment

Shall mean the radios, antennas, transmitters, and other wireless transmission or transport devices attached, mounted, or installed in the City ROW, including but not limited to control boxes, fiber optic and other cables, wires, conduit, power sources, grounding equipment, battery backup and other equipment, structures, and appurtenances which may be installed, maintained, operated and/or used for the purpose of Small Wireless Facilities Deployments. This definition shall include new types of telecommunications equipment that are substantially similar to Small Wireless Facilities existing as of the Effective Date of this Agreement, or that have reduced or less adverse impacts on the City ROW with respect to size, coverage/spacing requirements, and general physical characteristics.

Facility or Facilities

Shall mean any and all Equipment and installations of any kind owned and/or controlled by Carrier that are reasonably necessary and appropriate for the provision of Services.

FCC

Shall mean the Federal Communications Commission of the United States.

FCC Wireless Infrastructure Order

Shall mean the Declaratory Ruling issued by the FCC on September 27, 2018 in WT Docket Nos. 17-79 and 17-84 (FCC 18-133, 33 FCC Rcd 9088).

License

Shall mean a non-exclusive right granted by the City to an Applicant to deploy Small Wireless Facilities on, over, under, upon, across, and/or along the City ROW.

Radiofrequency Emissions or RF Emissions

Shall mean electromagnetic energy including radio waves and microwaves that are transmitted or received by Facilities.

Right-of-Way or ROW

Shall mean the space in, upon, above, under, along, across, and over the public streets, roads, highways, sidewalks, and public ways owned or controlled by and under the jurisdiction of the City, as the same now or may hereafter exist. This term shall not include: (a) any county, state, or federal ROW; (b) public utility easements, whether owned by the City or others, except as provided by applicable Laws or pursuant to any agreement between the City and any such person or entity; or (c) any property owned by the City that is not a public street, road, highway, sidewalk, or other public way, such as parks, City buildings, and property on which City buildings are located.

Services

Shall mean any telecommunications service provided by means of the Facilities installed by Carrier in accordance with this Agreement, for which Carrier holds a valid authorization issued by the FCC; or the leasing, operation, or maintenance of the same by Carrier in accordance with this Agreement. "Services" do not include cable service or open video services.

Small Wireless Facility

Shall mean a Facility that meets the definition of "Small Wireless Facility" set forth in 47 CFR § 1.6002. The term "Small Wireless Facility" includes associated Equipment and Facilities as defined in this Agreement, but does not include Support Structures to which such Equipment and Facilities are attached.

Small Wireless Facility Permit

Shall mean the authorization granted after review and approval by the CPO of an application for a Small Wireless Facility.

Support Structure

Shall mean a structure to which a Small Wireless Facility is or may be attached, including, but not limited to, existing support structures, support structures where facilities may be co-located, and support structures to be installed by the Carrier.

§ 323-102 License agreement and permit applications.

A. The CPO shall develop and make available a uniform Master License Agreement to be executed by each Applicant seeking to deploy Small Wireless Facilities in the City ROW. The uniform Master License Agreement shall include all provisions necessary to ensure the overall interests of public health, safety, and welfare, including, but not limited to, the following provisions:

- (1) An acknowledgement that the licensee may not place a Small Wireless Facility in the ROW without first obtaining any necessary permits;
- (2) A requirement that all Small Wireless Facilities and related equipment must comply with FCC safety rules, regulations, and standards for RF emissions;
- (3) A requirement that the installation, operation, and maintenance of Small Wireless Facilities shall adhere to all provisions of this Code, the aesthetic, safety and operating Standards, and all other applicable laws and regulations;
- (4) A requirement that Small Wireless Facilities may not obstruct, impede, or hinder the usual travel or public safety of pedestrians or vehicles on or in the ROW, and may not obstruct the legal use of the ROW by lawfully present utility providers;
- (5) A requirement that Small Wireless Facilities may not be installed or operated in a manner that violates the Americans with Disabilities Act;
- (6) A requirement that any licensee whose actions cause damage or interfere with the use of the ROW, or any objects located within the ROW, shall be responsible for any necessary repairs and/or restoration at the licensee's sole expense;
- (7) A requirement that the licensee shall be responsible for the payment of an annual fee for access to the ROW and/or attachment to City-owned structures in the ROW;
- (8) No exclusive, irrevocable property right or any other interest shall be created by the licensee;
- (9) The license agreement shall be in the general form as developed by the City;
- (10) The City, in applying the provisions of this Article, will act in a competitively neutral manner with regard to all other users of the right-of-way.

B. An application for each Small Wireless Facility shall be submitted to the Chief Planning Official (“CPO”) for administrative review in accordance with this Article, the Unified Sustainable Development Ordinance, and all other applicable provisions of the Code.

(1) All applicants shall initiate an informal pre-application meeting with the CPO to expedite the application review and permitting process by identifying and preliminarily addressing any significant issues or concerns the City or the applicant may have. Participation in a pre-application meeting shall not commence the applicable review period.

(2) An applicant may combine into a single batch application up to ten (10) individual applications for permits for new Small Wireless Facilities to be located in the City ROW, provided that the proposed Small Wireless Facilities are of substantially the same design and style and are located within a single two (2) mile radius.

(3) The CPO shall review each application on an expedited basis so as to comply with the “shot clocks” set forth in the FCC Wireless Infrastructure Order and all other requirements of the federal Telecommunications Act, as codified at 47 U.S.C. § 253 and 332(c), and the federal Spectrum Act, as codified at 47 U.S.C. § 1455.

(4) The CPO shall review the permit application and shall prepare any findings and proposed conditions. The CPO shall, upon receipt of an application, forward copies to, and coordinate with, all other impacted City departments and agencies.

(5) Within the time allowed under the “shot clocks” for approval or denial of a permit application, the CPO shall issue a decision that either approves, approves with conditions, or denies the requested permits, with the reasons for such decision set forth in writing and supported by specific findings of substantial evidence.

(6) In the event that an application is denied, the applicant may appeal such denial within thirty (30) days to the Board of Zoning Appeals of the City of Albany, pursuant to section 375-5 (D)(12)(b) of the City’s Unified Sustainable Development Ordinance.

C. The CPO shall have the authority to adopt regulations governing the placement, modification, and maintenance of small wireless facilities in the City ROW in addition to but consistent with the requirements of this Article, including regulations related to collocation, the resolution of conflicting applications for placement of wireless telecommunications facilities, and aesthetic standards. The CPO shall have the authority to develop forms and procedures for submission of applications for small wireless facilities permits.

D. The CPO shall have the power to establish reasonable and non-discriminatory limitations on the deployment of new or additional Small Wireless Facilities within congested segments of the City ROW if there is insufficient space to accommodate all of the requests of providers or other persons or entities seeking to occupy and use the City ROW. In

making such decisions, the CPO shall accommodate, to the extent possible, all existing Small Wireless Facilities and those for which an application has been submitted but not yet determined. In determining priority beyond those applicants with vested interests, the CPO shall be guided by the following criteria, but may consider any other relevant criteria not here enumerated:

- (1) The width and physical condition of the City ROW;
- (2) The time of year with respect to essential utilities;
- (3) The protection of existing city facilities, utility infrastructure, and Small Wireless Facilities in the City ROW;
- (4) The availability of Services and any gaps in service;
- (5) Established plans for public improvements and development projects that have been determined to be in the public's interest; and
- (6) Consistency with the purposes of this Article and the Aesthetic, Safety and Operational Standards set forth in 323-104 and the rules, regulations and guidelines promulgated thereunder.

E. In addition to obtaining a Small Wireless Facility Permit, applicants may be required to obtain additional permits including, but not limited to, building permit(s), electrical permit(s), grading permit(s), tree trimming application(s), street opening permit(s), sidewalk barricade permit(s), and/or certificate(s) of appropriateness.

§ 323-103 Permit fees and charges.

A. The following non-recurring fees are required for each Small Wireless Facility and shall be due upon submission of the application therefor:

- (1) For collocations or facilities mounted on an existing or replacement Support Structure, \$500.00 for a batch of five and \$100.00 for each additional facility.
- (2) For new pole placements, \$1,000.00

B. The following annual fees are required for each Small Wireless Facility:

- (1) For collocations or facilities mounted on an existing or replacement Support Structure, \$135.00 per year.
- (2) For new pole placements, \$270.00 per year.

C. The first year's annual fee shall be due within ninety (90) days of when the installation is complete and shall not be prorated, regardless of the date of such completion. For each subsequent year, the annual fee shall be due on or before January 31.

§ 323-104 Aesthetic standards.

A. The CPO shall adopt Aesthetic Standards for Small Wireless Facilities consistent with the following requirements:

(1) Small Wireless facilities shall not interfere with pedestrian or vehicle safety, the use of streets, sidewalks, alleys, parkways, and/or other public ways and places, the operation of traffic control equipment or sightlines at intersections, and shall not obstruct or hinder the usual travel use or public safety of the City ROW, or obstruct the legal use of the ROW by utilities.

(2) Small Wireless Facilities shall not violate or materially interfere with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement.

(3) The color of Small Wireless Facilities shall reasonably match the color of the support structure upon which they are attached. Reasonable, technically feasible, nondiscriminatory, and technologically neutral design and stealth concealment measures shall be required. New poles shall match the color and finish of existing decorative lighting or other poles in the area, (or black where no nearby poles exist).

(4) Ground equipment should be minimal and the least intrusive.

(5) The City desires and encourages collocations between multiple wireless service providers on the same support structure whenever feasible. If the applicant chooses to not collocate when options appear available, demonstrative proof must be provided as to why collocation is not feasible.

(6) The following are the most preferred locations for the siting of new Small Wireless Facilities:

(a) Non-historic buildings upon which the Small Wireless Facility can be camouflaged to match existing materials and texture;

(b) Industrial Zoning Districts that are not adjacent to City parks, residential zones, or historic districts; or

(c) Mixed-use Community Highway (MU-CH) zoning districts that are not adjacent to City parks, residential zones, or historic districts.

(7) The following are the least preferred locations for the siting of new Small Wireless Facilities:

- (a) Residential zoning districts;
 - (b) Historic districts; both local and National Register districts; or
 - (c) Mixed Use zoning districts.
- (8) The following list indicates the order of preference for support structures for Small Wireless Facilities:
- (a) Collocations on an existing Small Wireless Facility Support Structure;
 - (b) Existing utility poles;
 - (c) New poles;
 - (d) Non-decorative municipal service poles;
 - (e) Sign poles or other structures that are at least fifteen (15) feet tall; or
 - (f) Decorative municipal service poles, which are the least preferred option.

§ 323-105 Violations.

Any person or entity who violates this Article or fails to comply with the provisions of this Article shall be subject to a penalty of not less than two hundred and fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00). Each day such violation or failure to comply continues shall be considered a separate offense.

Section 2. This ordinance shall take effect 30 days after enactment.

**APPROVED AS TO FORM THIS
23RD DAY OF APRIL, 2021**

Corporation Counsel

To: Danielle Gillespie, City Clerk
From: Brett Williams, Esq., Sr. Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: April 23, 2021
Sponsor: Council Member Fahey

ORDINANCE 13.51.21

TITLE

AN ORDINANCE AMENDING CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VII, ENTITLED “SMALL CELL WIRELESS FACILITIES IN CITY RIGHTS OF WAY”

GENERAL PURPOSE OF LEGISLATION

The ordinance establishes aesthetic and other standards for small cell wireless facilities installed in the City.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

The City Code currently contains no standards for small cell wireless facilities. This ordinance adds such standards.

FISCAL IMPACT(S)

The ordinance sets application fees, yearly fee, and fine amounts, which will be a source of revenue.

Council Member _____ introduced the following:

RESOLUTION NUMBER 41.51.21R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO ADJUSTMENT OF SALARIES FOR CERTAIN POSITIONS IN THE 2021 BUDGET (DEPARTMENT OF LAW)

WHEREAS, section 603(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary rate or salary total occurs outside of those described in the duly adopted budget requires the approval of the Common Council; and

WHEREAS, the Corporation Counsel has requested to increase the salaries for one Paralegal position and two Confidential Secretary positions each from \$37,458 to \$39,331; and

WHEREAS, this change will be budget neutral, because the Department proposes to reduce the salary of the one existing, currently vacant Assistant Corporation Counsel position from \$85,000 to \$79,381; and

WHEREAS, these changes are reflected in the following charts:

Action	Position	Line	From	To	Difference
Decrease	Assistant Corporation Counsel	1420.7000	\$85,000	\$79,381	\$5,619
Total					\$5,619

Action	Position	Line	From	To	Difference
Increase	Paralegal	1420.7000	\$37,458	\$39,331	\$1,873
Increase	Confidential Secretary	1420.7000	\$37,458	\$39,331	\$1,873
Increase	Confidential Secretary	1420.7000	\$37,458	\$39,331	\$1,873
Total					\$5,619

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting salary totals due to the increase in salary for one Paralegal and to Confidential Secretary positions, and a decrease in the salary of an Assistant Corporation Counsel position in the within the Department of Law for the 2021 budget year.

To: Danielle Gillespie, City Clerk

From: Brett Williams, Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: April 20, 2021

Sponsor(s): To be determined

RESOLUTION NUMBER 41.51.21R

TITLE

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO ADJUSTMENT OF SALARIES FOR CERTAIN POSITIONS IN THE 2021 BUDGET (DEPARTMENT OF LAW)

GENERAL PURPOSE OF LEGISLATION

The Corporation Counsel has requested that the two Confidential Secretary and one Paralegal positions in the Department of Law have their salaries increased from \$37,458 to \$39,331. This is a difference of \$1,873 per position and \$5,619 overall. The difference of \$5,619 will come from a currently vacant Assistant Corporation Counsel position, which will be reduced from \$85,000 to \$79,381.

This change will bring the salaries for these positions better in line with the salaries of similar positions in other City departments.

NECESSITY FOR LEGISLATION AND CHANGE TO EXISTING LAW

Pursuant to section 603(D)(b) of the City Charter “any transfer of budgeted funds that affects any salary rate or salary total” requires the approval of the Common Council.

FISCAL IMPACT(S)

This change will be made budget neutral by reducing the salary of one existing, currently vacant Assistant Corporation Counsel position by \$5,619.

Council Member _____ introduced the following:

RESOLUTION NUMBER 42.51.21R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A POSITION, WHICH WILL AFFECT A SALARY TOTAL FOR THE 2021 BUDGET (ALBANY COMMUNITY DEVELOPMENT AGENCY)

WHEREAS, section 306(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary rate total that occurs outside of those described in the duly adopted budget requires the approval of the Common Council; and

WHEREAS, the Director of the Albany Community Development Agency (“ACDA”) has requested to create a Chief Financial Manager position with a salary of \$66,000; and

WHEREAS, in the past this role has been filled on a part-time basis by an outside contractor; and

WHEREAS, the creation of this position will be budget neutral because the funds will come from Housing and Urban Development, which funds are currently reflected in ACDA’s “Contracted Services” budget line; and

WHEREAS, these changes are reflected in the following chart:

Action	Title	Line	From	To	Difference
Decrease	Contracted Services	6410.7440	\$3,891,583	\$3,820,804	\$71,049
Total					\$71,049

Action	Position	Line	From	To	Difference
Create	Chief Financial Manager	6410.7000	\$0	\$66,000	\$66,000
Increase	Social Security	6410.7801	\$93,277	\$98,326	\$5,049
Total					\$71,049

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting a salary total due to the creation of one Chief Financial Manager position within ACDA for the 2021 Budget Year.

To: Danielle Gillespie, City Clerk
From: Brett T. Williams, Senior Assistant Corporation Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: April 22, 2021
Sponsor: To be determined

RESOLUTION NUMBER 42.51.21R

TITLE

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A POSITION, WHICH WILL AFFECT A SALARY TOTAL FOR THE 2021 BUDGET (ALBANY COMMUNITY DEVELOPMENT AGENCY)

GENERAL PURPOSE OF LEGISLATION

For many years, ACDA has had a part-time consultant work as a CFO for the department. The person who has filled that role is now retiring. The Director of ACDA has therefore requested the creation of a full time Chief Financial Manager position instead of a consultant.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Pursuant to section 603(D)(b) of the City Charter, “any transfer of budgeted funds that affects any salary rate or salary total” requires the approval of the Common Council.

FISCAL IMPACT(S)

The Chief Financial Manager position will have a salary of \$66,000. The funding will come from HUD, through ACDA’s contracted services line. The contract fee for the former consultant position will no longer need to come out of the contracted services line.

Council Members Frederick and Johnson introduced the following:

RESOLUTION NUMBER 43.51.21R

RESOLUTION OF THE COMMON COUNCIL DECLARING ITS OPPOSITION TO WASTE MANAGEMENT OF NEW YORK, INC.'S PROPOSAL TO AMEND ITS SOLID WASTE PERMIT TO ALLOW THE TRANSFER STATION IT OPERATES IN ALBANY'S SOUTH END TO ACCEPT MUNICIPAL SOLID WASTE

WHEREAS, Waste Management of New York, Inc. (WM) is proposing an amendment to its solid waste permit for the transfer station it operates in the Port of Albany (the Port) to allow WM accept municipal solid waste (MSW) at the transfer station; and

WHEREAS, currently, WM is only permitted by the New York State Department of Environmental Conservation (DEC) to accept dry waste, such as construction and demolition debris (C&D) and recyclables at the Port transfer station; and

WHEREAS, MSW is putrescible waste, more commonly referred to as garbage. Putrescible waste is waste that decomposes and results in nuisance conditions. Putrescible waste is attractive to “vectors” – rats, crows, pigeons, and other vermin – which feed on the organic waste and then transport the germs, bacteria, and other disease-causing agents to areas outside the immediate facility, thus exposing children and adults to possible illness or other health-related conditions; and

WHEREAS, the transfer station is located adjacent to an Environmental Justice (EJ) community, and is within 1,000 feet of Ezra Prentice Homes, a federal public housing complex; and

WHEREAS, an EJ community is defined as a community consisting mostly of people of color and/or a majority of residents living at or below the poverty level, and where the community is already suffering from environmental burdens such as air and water pollution caused by industrial activities and the siting of pollution-generating entities such as landfills and incinerators; and

WHEREAS, Albany's South End, a designated EJ community, already suffers from major health issues related to thousands of diesel-engine trucks driving along South Pearl Street, general Port operations, a recycling center, Interstate 787, etc.; and

WHEREAS, WM made the same proposal in 2009 and the people of Albany responded in opposition to WM using the South End as a dump for garbage brought into the community from eight counties outside of Albany and the DEC rejected WM's proposed solid waste permit modification in 2009; and

WHEREAS, WM says that fifty-five percent of the 165 to 170 garbage trucks a day that now only carry dry materials and recyclables to the transfer station, will be able to bring in putrescible MSW to Albany's South End to be dumped on a cement floor and stored on tractor

trailers for up to seven days before moving off-site. That 55% is equal to 412 tons of malodorous garbage a day being dumped on Albany's South End, six days a week; and

WHEREAS, WM states that the permit modification to allow WM to bring and dump garbage at its Port transfer station in Albany's South End would be a "community benefit" by offering the City \$1.00 per ton of the garbage they wish to dump on the South End, an EJ community that already suffers from extremely high rates of asthma-related emergency room visits, cancers related to environmental pollution exposure, and below average birth weights;

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Albany, New York declares its opposition to Waste Management of New York, Inc.'s proposal to amend its solid waste permit to allow the transfer station it operates in the Port of Albany in Albany's South End, a designated Environmental Justice Community to accept municipal solid waste; and

BE IT FURTHER RESOLVED, that the Albany Common Council asks the New York State Department of Environmental Conservation to reject Waste Management's permit modification request; and

BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to: Basil Seggos, Commissioner, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233; Angelika Stewart, Environmental Analyst, Division of Permits, NYS Department of Environmental Conservation, 1130 North Westcott Road, Schenectady, NY 12306; and ATTN: Albany Transfer Station, Waste Management of New York, Inc., 100 Boat Street, Albany, NY 12202

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: April 23, 2021

SPONSOR Council Members Frederick and Johnson

RESOLUTION NUMBER 43.51.21R

TITLE

RESOLUTION OF THE COMMON COUNCIL DECLARING ITS OPPOSITION TO WASTE MANAGEMENT OF NEW YORK, INC.'S PROPOSAL TO AMEND ITS SOLID WASTE PERMIT TO ALLOW THE TRANSFER STATION IT OPERATES IN ALBANY'S SOUTH END TO ACCEPT MUNICIPAL SOLID WASTE

GENERAL PURPOSE OF LEGISLATION

Opposition to Waste Management of New York, Inc.'s proposal to amend its solid waste permit to allow it to accept municipal solid waste.

FISCAL IMPACT(S)

None.

Council Members Love introduced the following:

RESOLUTION NUMBER 44.51.21R

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY
CELEBRATING THE CONTRIBUTIONS OF BENJAMIN G. GARLAND AND
RENAMING A PART OF CLINTON AVENUE IN HIS HONOR**

WHEREAS, Benjamin G. Garland and the Garland Brothers Funeral home, established in 1929, have been fixtures in Arbor Hill committed to serving the community; and

WHEREAS Benjamin G. Garland is the nephew of the late Benjamin H. Garland Sr and James Clifford Garland. Benjamin H. Garland Sr. and James Clifford Garland migrated north from DeKalb, Texas. Both brothers attended historically Black colleges with Benjamin H. attending and matriculating at Hampton Institute and James (“Doc”) matriculating at Fisk University; and

WHEREAS, both brothers developed an interest in the funerary business and graduated with degrees in Mortuary Sciences one graduating from the New England School of Mortuary Science in Boston, Massachusetts and the other completing his studies at Worsham School of Mortuary Science in Chicago, Illinois. This was the beginning of the Garland Brothers Funeral homes of Albany and Syracuse; and

WHEREAS, the Garland brothers belief in community activism and their commitment to advancing, advocating, and highlighting issues faced by the African American Community locally was passed on to Benjamin G. Garland ; and

WHEREAS, The Garland Brothers Funeral Home, located on Clinton Avenue in Arbor Hill, is a fixture that has provided and continues to provide many services to the people and the community; and

WHEREAS, Benjamin G. Garland, in 1969, with the passing of his uncle James Garland, took the over the Albany location. Benjamin G. Garland studied under the tutelage of Dr. Charlotte Hawkins Brown at Palmer Memorial Institute in Sedalia, North Carolina and graduated from the American Academy McAllister Institute of Funeral Services. He also apprenticed under his uncle and was employed at the Albany Medical Center Morgue and the United States Postal Service prior to assuming control over the Albany branch of Garland Brothers Funeral Home;

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany thanks Benjamin G. Garland for his commitment to the community, his years of service, and his dedication to the funerary business; and

BE IT FINALLY RESOLVED, that a portion of Clinton Avenue between Hawk Street and Ludlow Alley at the intersection of Clinton Avenue and Hawk Street, shall be renamed “Benjamin G. Garland Way” in his Honor.

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: March 31, 2021

SPONSOR Council Member Love

RESOLUTION NUMBER 44.51.21R

TITLE

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY CELEBRATING
THE CONTRIBUTIONS OF BENJAMIN G. GARLAND AND RENAMING A PART OF
CLINTON AVENUE IN HIS HONOR

GENERAL PURPOSE OF LEGISLATION

Celebrating the contributions of Benjamin G. Garland to the Arbor Hill Community.

FISCAL IMPACT(S)

None.

Council Member Anane introduced the following:

RESOLUTION NUMBER 45.51.21R

RESOLUTION OF THE COMMON COUNCIL PROCLAIMING MAY 2021 AS BIKE MONTH IN THE CITY OF ALBANY

WHEREAS, the number of people who rely on bicycling for commuting to work or for recreational activities has increased over the past decade; and

WHEREAS, the growing bicycle-friendly road network throughout the City supports a safe and healthy transportation option that is paramount to achieving sustainability and enhancing the quality of life in the City; and

WHEREAS, the City of Albany in partnership with League of American Bicyclists, the New York Bicycling Coalition, CDTC's Capital Coexist, the Albany Police Department, and the Albany Bicycling Coalition, have continued to look for opportunities to improve bicycling within the City; and

WHEREAS, community organizations such as Capital Roots, among others, have made contributions to these efforts by donating and installing bike racks across the City to encourage larger participation in cycling as a means of transportation; and

WHEREAS, these organizations, in cooperation with the City, have promoted greater public awareness of bicycle operation and safety education in an effort to reduce crashes, injuries and fatalities for all;

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council hereby proclaims May 2021 as Bike Month in the City of Albany, and urges all motorists and bicyclists to follow New York State's Vehicle and Traffic Law, and share the road respectfully and responsibly.

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: April 23.2021

SPONSOR Councilmember Anane

RESOLUTION NUMBER 45.51.21R

TITLE

RESOLUTION OF THE COMMON COUNCIL PROCLAIMING MAY 2021 AS BIKE MONTH
IN THE CITY OF ALBANY

GENERAL PURPOSE OF LEGISLATION

To declare the month of May, Bike Month in the City of Albany. This resolution is introduced to encourage residents to utilize bikes as a mode of transportation, cut down on vehicle emissions and bolster the use of our bicycle friendly road network. The City still has work to do to become completely bike friendly and accessible but this is one small effort to draw attention to the issue.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

N/A

FISCAL IMPACT(S)

N/A