



MINUTES OF A REGULAR MEETING MONDAY, April 19, 2021

The Common Council was convened at 7:00 p.m. and was called to order by President Ellis. This meeting was held following Governor Cuomo's executive order 202.1 and it live-streamed on [Facebook](#) using Zoom as the meeting platform. If we experience any technical difficulties on Facebook, the video will be streamed to [YouTube](#).

The roll being called, the following answered to their names: Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson

Also present was the following staff: Danielle Gillespie, John-Raphael Pichardo, and Brett Williams

Council President Ellis led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marco Flagg, (Local Law C-2021)
2. Karen Strong, 162 Chestnut St., Albany, NY (Local Law C-2021)
3. Ivy Morris, 22 Wilbur St., Albany, NY (Local Law C-2021)
4. Abby Harris, 204 Lancaster St, Albany, NY (Local Law C-2021)
5. Anita Thayer, 196 Mt. Hope Dr., Albany, NY (Local Law C-2021)
6. Karen Carmelli, 52 Morris St, Albany, NY (Local Law C-2021)
7. Galen Heins, 24 Rondack Rd (Local Law C-2021)
8. Megan Ovitt, 382 Broadway, Albany, NY (Local Law C-2021)
9. Matthew Todd Bush, 158 Winthrop Ave, Albany, NY (Local Law C-2021)
10. Derek Healey, 412 Broadway, Albany, NY (Local Law C-2021)
11. Gabriella Romera, 490 Madison Ave., Albany, NY (Local Law C-2021)
12. Lauren Manning, 220 Green St., Albany, NY (Local Law C-2021)
13. Claire Muro (Local Law C-2021)

President Pro Tempore Kimbrough made a motion to extend public comment period for an additional 30 minutes, which was approved by unanimous voice consent.

14. Dan Asylum, Elm St, Albany, NY (Local Law C-2021)
15. Dora Fisher, 91 Dove St, Albany, NY (Local Law C-2021)
16. Bhawin Suchak, 17 Wilbur St, Albany, NY (Local LawC-2021)
17. Nesta Littlejohn, 7 Elm St, Albany, NY (Local Law C-2021)
18. Chel Miller, 28 Essex St, Albany, NY (Publicly listed addresses from Public Comment/Local Law C-2021)
19. Miriam J. Tell, Delaware Avenue, Albany, NY (Publicly listed addresses from Public Comment/Local Law C-2021)
20. Jasmine Vanterpool, Quincy St, Albany County, NY (Local Law C-2021)
21. Rasheeda Pierre Leggard, (Local Law C-2021)
22. Katherine Mules Mules, 335 S. Main Ave, Albany, NY (Local Law C-2021)
23. Betsy Mercogliano, 3 Wilbur St, Albany, NY (Community Engagement & Communication about Lincoln Pk)

After the time period for public comment expired, the President declared the Public Comment Period closed.

Approval of Minutes

President Pro Tem Kimbrough made a motion to approve the minutes of April 5, 2021 meeting of the Council, which was duly seconded by Anane, and APPROVED by unanimous voice vote.

REPORTS OF STANDING COMMITTEES:

Housing and Community Development: Chair Doesschate discussed that the committee met on April 7, 2021 regarding two matters. The first matter was holding a public hearing on the proposed awards for Year 47 for Community Development Block Grant funding. There were no appeals to the recommendations made by Community Development Agency. The second matter the Committee discussed was Resolution 20.22.21R, which was voted out of committee with a positive recommendation and will be acted on tonight. The Committee also discussed Resolution 32.41.21R by Council Member Love encouraging city officials to find more funding for affordable housing/homeownership and for home improvement/maintenance assistance for individuals in need. Chair Doesschate stated that the Committee heard from a variety of experts from various programs including Faye Andrews regarding programs that the City offers and heard from Chiquita D'Arbeau with Albany Housing Authority on their homeownership program. The committee also heard from Adam Zaranko from the Albany County Land Bank on the importance of assistance to homeowners earlier in the process before it gets to the point that the property becomes deteriorated and vacant and leads to being on the rolls of the Albany County Land Bank or being demolished.

The Chair encouraged these programs to cross reference each other's programs so homeowner's know what resources are available to them.

Chair Doesschate stated that Ms. Andrews will be hiring a new Deputy that would be tasked with finding additional funding that would help with this effort. She discussed the possibility of using some of the funding from the RESCUE Act to also assist with tackling these issues.

CONSIDERATION OF LOCAL LAWS:

Council Member Flynn noticed the introduction of Local Law K of 2021, which was held for further consideration:

LOCAL LAW K of 2021

A LOCAL LAW AMENDING ARTICLE I (PUBLIC GROUNDS DESIGNATED AS PARKS; GOVERNMENT AND CARE OF PARKS AND PARKWAYS) OF CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ALIENATION OF CERTAIN PARKLAND WITHIN LINCOLN PARK, DISCONTINUANCE OF A RIGHT OF WAY, AND DEDICATION OF REPLACEMENT PARKLAND.

Be it enacted by the Common Council of the City of Albany as follows:

Section 1. Article I (Public Grounds Designated as Parks; Government and Care of Parks and Parkways) of Chapter 251 (Parks and Recreation) is amended by adding a new section 251-15, entitled "Lincoln Park – Beaver Creek Clean River Project," to read as follows:

§251-15 Lincoln Park – Beaver Creek Clean River Project

- (A) Alienation of Land. Pursuant to authorization granted by Chapter 283 of the Laws of 2019 of the State of New York, amending Chapter 450 of the laws of 2018, it is hereby directed that the lands within Lincoln Park in the City of Albany and hereinafter described be and the same hereby are discontinued for park purposes for the provision of underground piping through Lincoln Park in connection with the disinfection and floatables control project, and associated infrastructure, also known as the Beaver Creek Clean River Project (including the screening and disinfection satellite treatment facility).
- (B) Description of Alienated Land. The lands referred to in §251-15 (A) of this article are located in the City of Albany, County of Albany and State of New York, and are described more fully in Chapter 283 of the Laws of 2019 of the State of New York but this total of ±4.54 acres within Lincoln Park may be generally described as follows: 1) ±3.25 acres of land within Lincoln Park bounded on the east by Dr. Martin Luther King, Jr. Boulevard, on the west by Delaware Avenue, on the north by Park Avenue and on the south by the Thomas O'Brien Academy of Science and Technology (Parcel 1); and 2) ±1.29 acres of land situated within that part of Lincoln Park generally east of Dr. Martin Luther King, Jr. Boulevard for underground piping to connect Parcel 1 to underground piping located at the north side of Morton Avenue at its intersection with South Swan Street.
- (C) Description of Replacement Dedicated Parkland. Pursuant to authorization granted by Chapter 283 of the Laws of 2019 of the State of New York, amending Chapter 450 of the laws of 2018, the

following described lands are hereby designated and dedicated as parklands within the City of Albany for public park and recreational purposes and incorporated into Lincoln Park: ±0.36 acres of land currently consisting of road right-of-way to be replaced with greenspace to enhance adjacent greenspace in the Park, with the following legal description: beginning at a point on the easterly highway boundary of South Swan Street at its intersection with the southerly boundary of the Park Avenue R.O.W. through Lincoln Park; thence north 36°43'44" east along said South Swan Street boundary, a distance of 83.65 feet to a point on the northerly boundary of the Park Avenue R.O.W. through Lincoln Park; thence north 73°26'19" east along said northerly boundary of the park avenue R.O.W., a distance of 232.31 feet to a point on the southerly boundary of Myrtle Avenue; thence south 52°56'42" east along said Myrtle Avenue, a distance of 124.83 feet to a point on the said southerly boundary of the Park Avenue R.O.W.; thence along the said southerly boundary of the Park Avenue R.O.W. the following three (3) courses and distances: 1. north 76°21'52" west, a distance of 65.48 feet to a point; thence 2. along a curve to the left having a length of 78.66 feet, a radius of 165.46 feet and a chord of south 86°27'41" west, 77.92 feet to a point; and 3. south 73°26'19" west, a distance of 240.90 feet to the point of beginning, containing 0.36 acres of land more or less. The Mayor is hereby authorized to execute a deed to effectuate the dedication of this land for park purposes.

(D) The ±0.36 acres of land referred to in §251-15 (C) of this article is hereby discontinued as road right-of-way.

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

President Pro Tem Kimbrough referred Local Law K of 2021 to Parks, Recreation and Family Services for further consideration.

Council Member O'Brien noticed Local Law J of 2021 (**A LOCAL LAW AMENDING CHAPTER 371 (WATER AND WATERWAYS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INSTALLATION AND REPAIR OF SERVICE LINES AND REPLACEMENT OF LEAD SERVICE LINES**) as follows, asked passage and a roll call vote thereon:

There being no further discussion, President Ellis called for a roll call vote thereon and the motion was **ADOPTED**:

The motion passed by the following vote of all Council Members present voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doeschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

President Pro Tem Kimbrough held the remaining Local Laws on the pending agenda.

REPORTS OF STANDING COMMITTEES CONTINUED:

Planning, Economic Development: Chair Fahey reported that the committee will meet on Tuesday, April 20 at 5:30 p.m. to discuss proposed amendments to the USDO.

General Services, Health and Environment: Chair O’Brien stated that the committee would be meeting on Wednesday, April 21, 2021 to consider Resolution 102.111.20R a resolution honoring the life and legacy of Edwin H. Sperber creating “Edwin H. Sperber Way.”

Law, Buildings and Code Enforcement: Chair Igoe reported that the committee will be meeting on Monday, April 26, 2021 to consider Local Laws F, G, H, and I.

CONSIDERATION OF ORDINANCES

President Pro Tem Kimbrough held the remaining Ordinances on the pending agenda.

CONSIDERATION OF RESOLUTIONS

Council Member Anane noticed the introduction of Resolution as follows, which was held for further consideration:

RESOLUTION 37.42.21R

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY FRANCHISE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON CITY-OWNED RIGHTS-OF-WAY

WHEREAS, Cellco Partnership d/b/a/ Verizon Wireless seeks to deploy small cell wireless facilities within rights-of-way owned by the City of Albany; and

WHEREAS, federal law provides that the regulation of the placement, construction, and modification of personal wireless service facilities by any local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services, and shall not prohibit or have the effect of prohibiting the provision of personal wireless services; and;

WHEREAS, under federal law, a local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request; and

WHEREAS, the City of Albany is authorized under section 82-4 of the Albany City Code and section 20 of the New York General City Law to grant and renew non-exclusive franchises for the installation, operation, and maintenance of telecommunications infrastructure on, beneath, above, and within public rights-of-way within the City; and

WHEREAS, it is the practice of the City of Albany to permit such use of public rights-of-way for the provision of telecommunications service providers, subject to the duty of and authority for the City to manage its streets, public property, and rights-of-way for public use, and to require fair and reasonable compensation for the use thereof in a manner consistent with applicable law; and

WHEREAS, Cellco Partnership d/b/a Verizon Wireless is licensed by the Federal Communications Commission to operate throughout the State of New York to provide telecommunications services

WHEREAS, Cellco Partnership d/b/a Verizon Wireless desires to obtain from the City a non-exclusive license to access, use, and occupy public rights-of-way within the City for the purpose of constructing, installing, maintaining repairing, operating, replacing, and removing equipment and facilities related to the placement of small cell wireless facilities in a manner consistent with law; and

WHEREAS, state and local law require approval by the Common Council of franchise agreements regarding proposed installation and use of telecommunications in City of rights-of-way;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby authorizes the Mayor of the City of Albany to enter into a Small Wireless Facilities Rights-of-Way Access Agreement with Cellco Partnership d/b/a Verizon Wireless its successors and assigns, granting Cellco Partnership d/b/a Verizon Wireless a franchise to construct, install, operate and maintain telecommunications equipment in the City of Albany.

President Pro Tem Kimbrough referred Resolution 37.42.21R to Planning, Economic Development and Land Use for further consideration

Council Member Fahey noticed the introduction of Resolution as follows, which was held for further consideration:

RESOLUTION 38.42.21R

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY FRANCHISE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON CITY-OWNED RIGHTS-OF-WAY

WHEREAS, New Cingular Wireless PCS, LLC seeks to deploy small cell wireless facilities within rights-of-way owned by the City of Albany; and

WHEREAS, federal law provides that the regulation of the placement, construction, and modification of personal wireless service facilities by any local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services, and shall not prohibit or have the effect of prohibiting the provision of personal wireless services; and;

WHEREAS, under federal law, a local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request; and

WHEREAS, the City of Albany is authorized under section 82-4 of the Albany City Code and section 20 of the New York General City Law to grant and renew non-exclusive franchises for the installation, operation, and maintenance of telecommunications infrastructure on, beneath, above, and within public rights-of-way within the City; and

WHEREAS, it is the practice of the City of Albany to permit such use of public rights-of-way for the provision of telecommunications service providers, subject to the duty of and authority for the City to manage its streets, public property, and rights-of-way for public use, and to require fair and reasonable compensation for the use thereof in a manner consistent with applicable law; and

WHEREAS, New Cingular Wireless PCS, LLC is licensed by the Federal Communications Commission to operate throughout the State of New York to provide telecommunications services

WHEREAS, New Cingular Wireless PCS, LLC desires to obtain from the City a non-exclusive license to access, use, and occupy public rights-of-way within the City for the purpose of constructing, installing, maintaining repairing, operating, replacing, and removing equipment and facilities related to the placement of small cell wireless facilities in a manner consistent with law; and

WHEREAS, state and local law require approval by the Common Council of franchise agreements regarding proposed installation and use of telecommunications in City of rights-of-way;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby authorizes the Mayor of the City of Albany to enter into a Small Wireless Facilities Rights-of-Way Access Agreement with New Cingular Wireless PCS, LLC, its successors and assigns, granting New Cingular Wireless PCS, LLC a franchise to construct, install, operate and maintain telecommunications equipment in the City of Albany.

President Pro Tem Kimbrough referred Resolution 37.42.21R to Planning, Economic Development and Land Use for further consideration

President Pro Tem Kimbrough made a motion to add Resolution 39.42.21R and Resolution 40.42.21R which was seconded, voted on and duly passed.

Council Member Farrell noticed the introduction of resolution 39.42.21(MC) as follows, which was introduced and adopted by a voice vote:

RESOLUTION NUMBER 39.42.21R (MC)

A RESOLUTION THAT SETS A DEADLINE OF JUNE 1, 2021 FOR ALL CITY EMPLOYEES EARN A LIVING WAGE OF AT MINIMUM \$15/HOUR

WHEREAS, the Common Council has uniformly supported and worked toward all City of Albany employees to receive a living wage; and

WHEREAS, in the Mayor’s 2021 Budget Presentation on October 1, 2020, the Mayor stated that her budget would bring all employees to a minimum of \$15/hour (see October 1, 2020 Video <https://www.facebook.com/AlbanyMayorKathySheehan/videos/395222311479090> at time stamp: 9:20, 14:25, and 16:55; and

WHEREAS, the Common Council received a request from the Department of Recreation (see Resolution 25.31.20R) to eliminate a Laborer II position and create a Laborer I position at a salary of \$29,702. Based upon calculation, that salary comes out to be \$14.28/hour; and

WHEREAS, upon further review of the budget, the Council realized that there are 16 Laborer I positions in the Department of General Services, 1 in the Water Department, for a total of 18 positions that are not paid at minimum \$15/hour; and

WHEREAS, the Common Council believes that the intent of the 2021 budget is to ensure all employees receive a living wage of at minimum of \$15/hour; and

NOW THEREFORE, BE IT RESOLVED, the Common Council sets the date of June 1, 2021 for all City of Albany employees to be paid a living wage of \$15/hr

*Council member(s) Farrell, Anane and Conti spoke on the Resolution prior to passage.

Resolution 39.42.21(MC) was co-sponsored by Anane, Balarin, Conti, Doesschate, Fahey, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O’Brien, and Robinson

There being no further discussion, President Ellis called for a voice vote thereon and the Resolution was ADOPTED:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O’Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Robinson noticed the introduction of resolution 40.42.21(MC) as follows, which was introduced and adopted by a voice vote:

RESOLUTION NUMBER 40.42.21R (MC)

RESOLUTION OF THE COMMON COUNCIL HONORING THE LIFE AND LEGACY OF MINISTER JANIE JACOBS-FRANKLIN AND HER CONTRIBUTIONS TO THE CITY OF ALBANY AND THE FAITH COMMUNITY

WHEREAS, On March 12, 2021, the Spirit of the Lord entered the room of Minister Janie Jacobs- Franklin and took her home to be with Him. Janie was born on August 3, 1930, to the late Algue Jacobs and Emma M Davis in Florence, South Carolina; and

WHEREAS, Along with her father, sister (best friend) Delilah and their grandmother Janie, they relocated to Albany, New York, where she was educated in the Albany Public School system and attended Albany High. While in high school she was involved in the music ensembles and played basketball as a point guard. She received her high school diploma in 1948. She also acquired her cosmetology license. In 1951 she graduated from the State University of New York where she obtained her degree in Nursing. She was employed by Child's Hospital, the Villa Mary Immaculate, and the Ann Lee Home, where she retired. She was a valued nurse who was great at her craft. The doctors she worked with trusted her insight regarding patient care. In addition, she taught piano to many local youth and young adults in the Capital District; and

WHEREAS, As a young lady Janie married, and from that union she had five children. She later went on and met and married the love of her life Deacon Robert Joseph Franklin and from this union they had two children; and

WHEREAS, Minister Franklin accepted Christ at an early age. Her family united with the Mt. Zion Baptist Church upon their arrival to Albany, New York. She attended the Union Baptist Church and later the Mt Olive Southern Missionary Baptist Church, under the late Rev. Odell Wesley Surgick. During her time at Mt. Olive, she was a part of the Choursters, the Deaconess Board, the Catherine Surgick Choir, a Sunday school teacher and the organizer and director of the Mount Olive Male Chorus. She loved to sing. Every Sunday, you would hear her soprano voice in the church choir, her high note could be heard throughout the church when they sang "Amen"; and

WHEREAS, She also served as the Capital District Community Choir president under the leadership of the late Professor Rudolph V. Stinney. Where she was affectionately known as "Madam President." She later went on to become a founding member of the Star of Bethlehem Baptist Church, where she served in many capacities; and

WHEREAS, Her love for the Gospel was always evident. She developed a deep, intimate love for studying the exegesis of the Word of God, living a life of prayer, and fasting. She attended and received numerous certificates from the Bible Institute of Albany in biblical studies. She was also a part of the Willing Workers and the Evangelistical Workers, under the late Rev. Dr. Minnie L. Burns. Under this organization, she was licensed as an Evangelist. She would travel throughout the Capital Region, and the state, training missionaries, evangelists, and others called to ministry. She was a trailblazer for women as she was instrumental in opening doors for many of them to become active in preaching the Word; and

WHEREAS, Minister Franklin served as the Associate Minister of the Star Bethlehem Baptist Church after she received her license in ministry. She also implemented the first Vacation Bible School (VBS), Street Ministry, Ministerial training classes and the Nursing Home Ministry. She served as a Sunday teacher and Superintendent of the church; and

WHEREAS, Her work was not just for the inside of the church. She also worked as a part of the Police Civilian Review Board until she no longer had the capacity to do so. She believed in accountability and held the Mayor and local leaders of her ward accountable. Everyone knew she was a "straight shooter" who would always tell the truth. Minister Franklin was not only known for her no-nonsense ways but for the motherly, nurturing, and unconditional love she gave to everyone; and

WHEREAS, Minister Franklin has poured out and into the lives of so many. She has fought the good fight, finished the race, and kept the faith. NOW, there is in store for her the crown of righteousness which the Lord, the righteous Judge, has awarded unto her (2 Timothy 4:6-8).

NOW THEREFORE, BE IT RESOLVED, the City of Albany's Common Council pauses to commend and honor the memory of Minister Janie Jacobs-Franklin and her many contributions to our city; and

BE IT FINALLY RESOLVED that the Common Council of the City of Albany sends their condolences to her extended family and that the Clerk of the Common Council is to send an embossed copy of this resolution to her daughter, Dr. Rhonda Ferguson.

*Council member(s) Robinson spoke on the Resolution prior to passage.

Resolution 40.42.21(MC) was co-sponsored by Anane, Balarin, Conti, Doesschate, Fahey, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love and O'Brien

There being no further discussion, President Ellis called for a voice vote thereon and the Resolution was ADOPTED:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Doesschate noticed Resolution 20.22.21R (MC) (As Amended) **(RESOLUTION DESIGNATING THE MAYOR TO ACT AS OFFICIAL REPRESENTATIVE OF THE CITY OF ALBANY TO SUBMIT ANNUALLY TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THE “ANNUAL ACTION PLAN”, AND AMENDMENTS THERETO, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM)** as follows, asked passage and a roll call vote thereon:

Resolution 20.22.21R was co-sponsored by Conti and Farrell

There being no further discussion, President Ellis called for a voice vote thereon and the Resolution was ADOPTED:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O’Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Love noticed Resolution 32.41.21R (MC) (*As Amended 04/07/21*) (**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY CALLING ON THE MAYOR OF THE CITY OF ALBANY AND OUR COUNTY, STATE, AND FEDERAL PARTNERS TO IMPLEMENT MORE INCENTIVES FOR AFFORDABLE HOMEOWNERSHIP AND GRANTS FOR HOMEOWNER MAINTENANCE ASSISTANCE**) as follows, asked passage and a roll call vote thereon:

*Council member(s) Love and Doesschate spoke on the Resolution prior to passage.

Resolution 32.41.21(MC) (As Amended 04/07/21) was co-sponsored by Anane, Balarin, Conti, Doesschate, Fahey, Flynn, Frederick, Hoey, Igoe, Kimbrough and O’Brien

There being no further discussion, President Ellis called for a voice vote thereon and the Resolution was ADOPTED:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O’Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

President Pro Tem Kimbrough held the pending Resolutions on the agenda for further consideration

COMMUNICATIONS FROM THE MAYOR

Council President Ellis asked the Clerk to ready the following communication from the Mayor:

“We applaud the Council’s desire to address our community’s concerns about the use of tear gas and other non-lethal force by the Albany Police Department. We owe it to our residents to ensure we have their trust that APD is not using tear gas or other non-lethal force indiscriminately. Under Mayor Sheehan’s leadership, the City of Albany has reached out to other mayors across the country and consulted with the United States Conference of Mayors to find best practices with respect to the deployment of non-lethal force.

While our research has failed to find a single City or State in the country has adopted the restrictions contemplated in the legislation currently being considered by the Council, we strongly support legislation that would restrict and control the use of tear gas and other non-lethal force including:

- Restricting use to when a riot is declared, as defined by New York State law
- Requiring a Police Chief or Deputy Chief to order its use

- Requiring two notifications to the public in the immediate vicinity tear gas is about to be used
- Requiring an EMT to be on-site prior to its deployment
- Prohibiting its use in residential neighborhoods unless absolutely necessary to protect lives

In the last 32 years, tear gas has been used outdoors by the Albany Police Department only twice – on May 30, 2020, and June 1, 2020 – after members of the Albany Police Department were assaulted with bricks, Molotov cocktails, and fireworks, police vehicles were damaged, a police horse was burned, and police equipment was stolen. At least one member of APD is still recovering from their injuries. A complete ban on tear gas will create a situation where should City Hall be attacked by armed insurrectionists, similar to what we saw at the US Capitol on January 6, the Albany Police Department will face the choice of doing nothing or using lethal force.

We understand there are some people who participated in the policing collaborative who expressed a desire for the City to find alternatives to tear gas and other current non-lethal methods of responding to violence. We have not been provided a viable alternative, other than doing nothing or using lethal force. We believe it is important to pass legislation that ensures tear gas is never used in non-violent protests, but as elected officials we have an obligation to protect our residents and our workforce. We urge the Common Council to include commonsense amendments that will keep our community safe and address our shared desire to ensure tear gas is used only when absolutely necessary to protect against mass violence.”

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Anane spoke on internet services and thanked the Governor and state legislators for signing legislation for internet services and broadband for low income families. He had questions on who will pick up costs and internet speed.

Council Member Hoey discussed that he watched NASA newsfeed on the helicopter take off on Mars. He spoke about the diversity of the NASA team. He spoke about his disappointment not voting on the tear gas legislation and discussed that he didn't hear one person speak about supporting the use of tear gas.

President Pro Tem Kimbrough spoke about further discussion on tear gas legislation. He discussed that he has received calls for and against the legislation. He spoke about the police needing to be a part of these conversations. He spoke on his experiences as a black man. He talked about that the Council are taking steps to make needed changes.

ADJOURNMENT:

There being no further business, President Pro Tem Kimbrough made a motion to adjourn, which was duly seconded and adopted by unanimous voice vote. President Ellis declared the meeting adjourned at approximate 9:06pm.

DANIELLE GILLESPIE

City Clerk of the City of Albany and Clerk to the Common Council