

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, January 6, 2014

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 Appllys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

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

Council Member Kornegay led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Willie White, A Village, Inc Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
2. Marlon Anderson, 491 Livingston Ave., Albany, NY 12206 (Various Issues);
3. Justin Ramson, 1 Colatosti Place #7, Albany, NY (Parks and Recreation);
4. Daniel Morrissey, 23 Delaware Terrace, Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
5. John Wolcott, 344 Sheridan Avenue, Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
6. Diana Wright, 36 Summon Avenue, (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
7. Sandy Steubing, 680 Central Avenue, Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
8. Deanna DiCarlo, 20 Wilbur Street, Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
9. Gregory Bell, 536 Providence Street, Albany, NY (Oil Train Heating).

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

10. Isaac Hoppe, 185 Elk Street, Albany, NY (Dangers of crude oil);
11. Warren Mackey, 223 Livingston Avenue, Albany, NY (Turning Swan Street into a 2-way Street);
12. Ruth Ann Smalley, 135 Grove Avenue, Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
13. Vincent Riguso, 13 Beach Avenue, Albany, NY (Welcome to new Council Members);
14. Daniel Plaat, 187 Elk Street, Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
15. Roger Downs, Conservation Director at Sierra Club Atlantic Chapter, 353 Hamilton Street, Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
16. Mark Schaeffer, 213 Jefferson Street, Albany, NY (Reduce fossil fuel use);
17. Arlene Way, 17 Second Street, Albany, NY (Resolution 1.11.14R (MC) in relation to the Global Property Proposal);
18. Darlene McGraw, 15 Western Avenue, Albany, NY (City improvements).

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

CONSIDERATION OF RESOLUTIONS

Council Member Conti asked and received majority consent to add Resolution Number 1.11.14R to the agenda, which was approved by unanimous voice vote

Council Member Golby introduced RESOLUTION NUMBER 11.11.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL REQUESTING A PUBLIC FORUM BE HELD AND AN ENVIRONMENTAL JUSTICE ASSESSMENT BE UNDERTAKEN BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SO THAT THE PUBLIC CAN PROVIDE INFORMED PUBLIC COMMENT ON THE PROPOSED GLOBAL COMPANIES, LLC PROJECT IN THE PORT OF ALBANY

WHEREAS, the Common Council of the City of Albany is responsible for protecting its residents, its infrastructure, and the Hudson River; and

WHEREAS, a proposal by Global Companies, LLC to construct a facility in the Port of Albany to heat crude oil in tank cars has raised significant concerns throughout our communities; and

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) did not give direct notice of the Global Companies, LLC proposed project to our Department of Planning, to the Albany Common Council, or to the residents of Albany, for a Public Comment Period on a Title V Air Permit for this project; and

WHEREAS, many Albany and regional communities are affected by the transporting of the train cars carrying petroleum products, including products being shipped to the proposed expanded Global Companies, LLC facility. The rail lines pass through the Pine Bush and the entire north and north west communities in the City of Albany as well as along Interstate Routes 90 and 787. These are residential, business and nature preserve communities and are inhabited by thousands of people of multiple demographic backgrounds; and

WHEREAS, the Ezra Prentice Homes, an Albany Housing Authority development, is located immediately adjacent to the Port. There are hundreds of people living in this complex, including many children; and

WHEREAS, all affected residents should be informed of any and all possible adverse effects that could occur from air contamination, water pollution, fire, explosion, or other effects should an accident occur at the proposed facility; and

WHEREAS, the train cars carrying this very thick petroleum product, also passes through the North Albany and Arbor Hill neighborhoods. These areas of the City are also communities of economically disadvantaged residents, with a high population of people of color; and

WHEREAS, some communities to be affected by Global Companies, LLC's proposed project – Arbor Hill, North Albany, and particularly the South End – meet the criteria of Environmental Justice communities that must be assessed for possible “adverse effects” of a project; and

WHEREAS, the Community Needs Statement from a recent health care assessment study undertaken by the YMCA under the auspices of the Sam’s Club Healthier Communities Initiatives found that “The target population is African American and Latino residents residing in the 12202, 12206, 12207 and 12204 zip codes of the City of Albany, NY. 30% of residents household were below the poverty level compared to 16% for the entire state. There are roughly 28630 residents of these areas. The African American and Latino residents are using the emergency rooms at hospitals at roughly 5 times the rate of White residents. They are disproportionately affected by chronic diseases such as diabetes, hypertension, asthma, obesity, heart disease and others;” and

WHEREAS, it does not appear that an Environmental Justice assessment has been conducted by the DEC; and

WHEREAS, the applicant, Global Companies, LLC, has not disclosed the source and nature of the petroleum to be heated in the proposed facility; and

WHEREAS, there are concerns within the greater community that the nature of the proposed project implies that the petroleum in question is tar sands from the Canadian Province of Alberta; and

WHEREAS, significant environmental damage to Alberta from the extraction of tar sands has been documented; and

WHEREAS, it has been reported that Alberta tar sands, and similar crude oil is extremely difficult to clean up when it is spilled from pipelines or ships; and

WHEREAS, the recent derailment of a train carrying crude oil in Casselton, North Dakota which triggered a series of blasts and forced residents from their homes is a warning to us that much more study is required before any changes of the crude oil transport process within the city of Albany boundaries is approved; and

WHEREAS, the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration has recently issued a safety alert cautioning the public and first responders that some of the Bakken crude being shipped has a flash point below 73 degrees Fahrenheit and a boiling point below 95 degrees; and

WHEREAS, the spirit of the New York State Environmental Quality Review Act is for citizens and their governments to provide a full, informed, "hard look" examination of proposed projects; and

WHEREAS, the substantial implications of the full context of this project need serious attention from the DEC, the City of Albany Planning Board, the Common Council, and the residents of Albany; and

WHEREAS, the Common Council and the public does not yet have sufficient knowledge about this project.

NOW, THEREFORE, BE IT RESOLVED, that the Albany Common Council requests the NYS Department of Environmental Conservation to hold at least one public forum where the community is given the opportunity to ask questions and that project details are disclosed. The information to be disclosed to the public should include: the type of petroleum products that will be heated in order to be transferred from train cars to ships; the potential health effects of air contaminants from the heating process; and the safety measures that are in place should there be a leak of this petroleum product or a fire.

BE IT FURTHER RESOLVED, that an Environmental Justice assessment be undertaken by the DEC and that the results of the assessment be shared with the public. If it is found that such Environmental Justice assessment has already been conducted, the Common Council requests that the assessment be made available to the public.

RESOLVED, that the Albany Common Council requests that the public comment period regarding the application by Global Companies, LLC for a Title V facility air permit for expansion of their crude oil handling at their pass-through "Terminal" be kept open for at least one month after both a public forum is held and an Environmental Justice assessment is distributed to the Common Council and Albany Planning Board.

RESOLVED, that a copy of this resolution be sent to Governor Andrew M. Cuomo, State Senator Neil Breslin, Assembly Member John T. McDonald, Assembly Member Patricia A. Fahy, State Senate Majority Coalition Leader Dean G. Skelos, State Senate Majority Coalition Leader Jeffrey D. Klein, State Assembly Speaker Sheldon Silver, Leader of the State Senate Democratic Conference Andrea Stewart-Cousins, State Assembly Minority Leader Brian M. Kolb, Joe Martens, Commissioner of the NYS Department of Environmental Conservation, Karen Gaidasz, NYS Department of Environmental Conservation, Richard Hendrick, General Manager - Albany Port Commission and Terry Wesley, United States Environmental Protection Agency Region 2.

**Note: Council Members Krasher, Golby and Igoe spoke on this resolution prior to passage.*

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

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

Affirmative 15 Negative 0 Abstain 0

Resolution Number 1.11.14R was co-sponsored by Council Members Applyrs, Conti, Doesschate, Fahey, Kimbrough, Kornegay, Krasher, O'Brien Bailey and Robinson.

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority Leader 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, 2014, AND WAIVE THE READING OF THE NAMES:

1. Steve Belfiore, Albany County Clerk’s Office, 16 Eagle Street, Room 128 Albany, NY 12207
2. Elizabeth Van Geest, Albany County Clerk’s Office, 16 Eagle Street, Room 128 Albany, NY 12207
3. Jennifer LaMarch, Albany County Clerk’s Office, 16 Eagle Street, Room 128 Albany, NY 12207
4. Devon Coonan, Albany County District Attorney’s Office, 6 Lodge Street, Albany, NY 12207

Council Member Igoe discussed his disappointment with cell phone usage during the meeting and that the Council should consider prohibiting cell phones during meetings.

Council Member Robinson asked that fellow Council Members assist with making Swan Street a 2-way street again.

ADJOURNMENT

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

A true record of the Common Council Minutes of January 6th, 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL