

COMMON COUNCIL OF THE CITY OF ALBANY
SUPPORT LEGISLATION
MAY 2, 2022

ORDINANCES

11.51.22 **AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO SHWANA ADKISON OF CITY-OWNED LAND BORDERING 24 SWARTSON COURT AND 26 SWARTSON COURT (DARTMOUTH PAPER STREET)**

12.51.22 **AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF ANTHONY STREET IN THE CITY OF ALBANY, NEW YORK AND DEDICATING ANTHONY STREET TO WESTLAND HILLS PARK FOR PARK PURPOSES**

RESOLUTIONS

46.51.22R **A RESOLUTION OF THE COMMON COUNCIL ESTABLISHING STANDARD WORK DAYS FOR THE COMMON COUNCIL AS REQUIRED BY REGULATION 315.4 OF THE NEW YORK STATE COMPTROLLER**

47.51.22R **A RESOLUTION OF THE COMMON COUNCIL APPOINTING SHANIQUA DOWDY AS A MARRIAGE OFFICER**

48.51.22 **A RESOLUTION OF THE COMMON COUNCIL HONORING THE LIFE AND LEGACY OF CHARLES AND EDNA HOWARD AND RENAMING A PORTION OF CLINTON AVENUE AS CHARLES AND EDNA HOWARD WAY**

Council Member Flynn introduced the following:

Ordinance Number 11.51.22

AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO SHWANA ADKISON OF CITY-OWNED LAND BORDERING 24 SWARTSON COURT AND 26 SWARTSON COURT (DARTMOUTH PAPER STREET)

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 undeveloped parcel measuring approximately 143.18 feet by 61.36 feet (+/- 0.20 acres) bordering 24 Swartson Court and 26 Swartson Court (known as Dartmouth Paper Street), be sold at private sale pursuant to the provisions of Local Law No. 4 of 1984 to Shwana Adkison.

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

Section 2. It is hereby determined that the aforesaid property has 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.

**APPROVED AS TO FORM THIS
19TH DAY OF APRIL, 2022.**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Martha Mahoney, Esq., Assistant Corporation Counsel
Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: April 19, 2022

Sponsor: Council Member Flynn

ORDINANCE NUMBER 11.51.22

TITLE

AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO SHWANA ADKISON OF CITY-OWNED LAND BORDERING 24 SWARTSON COURT AND 26 SWARTSON COURT (DARTMOUTH PAPER STREET)

GENERAL PURPOSE OF LEGISLATION

To allow Shwana Adkison to purchase a portion of the undeveloped +/- 0.20 acre, or +/- 8,786 sq. ft., parcel bordering 24 Swartson Court and 26 Swartson Court (known as Dartmouth Paper Street). Ms. Adkison currently owns 26 Swartson Court.

The property disposition request was reviewed by the Technical Review Committee on August 12, 2021. The Albany Water Department noted that there is a dead end six inch water main on the property which will require a maintenance easement.

The form, content, terms and conditions of the conveyance, once authorized, will be approved by the Corporation Counsel.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Under Local Law 4 of 1984, the sale of City-owned property requires Council approval by a three-fourths majority vote.

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

The Dartmouth Paper Street has a valuation of approximately \$11,000. As it is a paper street, there is no tax identification number at this point. The purchaser has obtained a survey. A map of the proposed consolidation of the purchaser's parcel with the requested portion of the Dartmouth Paper Street is included herewith as Attachment "A." The purchaser has obtained an appraisal report, which is included herewith as Attachment "B."

FISCAL IMPACT(S)

The purchaser will pay the \$11,000 fair market value identified for the property in the attached appraisal report. .

Council Member Clarke introduced the following:

ORDINANCE 12.52.22

AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF ANTHONY STREET IN THE CITY OF ALBANY, NEW YORK AND DEDICATING ANTHONY STREET TO WESTLAND HILLS PARK FOR PARK PURPOSES

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

Section 1. It is hereby ordered and directed that Anthony Street, an approximately 686.27 linear foot road, starting at Colvin Avenue at the entrance of Westland Hills Park and terminating in Westland Hills Park, be discontinued and closed upon formal dedication of the road for park purposes to Westland Hills Park.

Section 2. It is hereby determined that the said right-of-way of Anthony Street has been abandoned for city street purposes and is hereby formally dedicated as part of Westland Hills Park to be held for the public's benefit and, as parkland, shall not be subject to alienation without the required consent from the New York State Legislature.

Section 3. This ordinance shall take effect after public hearing and final passage.

**APPROVED AS TO FORM THIS
21ST DAY OF APRIL, 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: E. Hyde Clarke, Council Member, 12th Ward
Brett Williams, Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: April 21, 2022

Sponsor: Council Member Clarke

ORDINANCE 12.52.22

TITLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE CLOSING OF ANTHONY STREET IN THE CITY OF ALBANY, NEW YORK AND DEDICATING ANTHONY STREET TO WESTLAND HILLS PARK FOR PARK PURPOSES

GENERAL PURPOSE OF LEGISLATION

This ordinance will close and discontinue Anthony Street for city street purposes. If approved, Anthony Street will be expressly dedicated for park purposes to Westland Hills Park.

Public parkland is impressed with a public trust and may not be alienated or diverted to private ownership or non-park use without a special act of the New York State Legislature. Express dedication may be shown by an express written provision by the state or local government to dedicate lands for the purposes of a park. In the absence of a formal dedication of land for public use, an implied dedication may exist when a municipality's acts and declarations manifest a present, fixed, and unequivocal intent to dedicate.

According to a map excerpt from 1876, Clinton Avenue originally ran all the way from Ontario Street, in the rear of the Danker property, and through Colvin Avenue towards what is now the Montessori School. A 1940's City of Albany map shows that Clinton Avenue had become "Roseland Street" by the dead end of Ver Planck up to Colvin and was still considered Clinton Ave from Colvin to Zoar and Austain. Roseland Street is an undeveloped paper street that is used by residents as a walking path to Westland Hills Park and the Central Avenue business corridor and Clinton Ave was utilized as the entrance to Westland Hills Park and otherwise never developed. As of today, that portion of Clinton Ave is known as Anthony Street, although is not formally marked.

There is a question of fact as to whether Anthony Street has been expressly or impliedly dedicated as parkland as the entrance to Westland Hills Park. Based on the records that have been located to date, there is not a clear expression of dedication of Clinton Avenue to the park, largely due to the fact that Clinton Avenue was an undeveloped paper street that ran straight through Westland Hills Park prior to the property being developed. There are a number of factors that may demonstrate that Clinton Avenue (Anthony Street) has been impliedly dedicated to Westland Hill Park, however, that would be a question for a court to determine.

This ordinance is proposed to clarify the status of the entrance of the park, avoid any potential litigation fees over the classification of the entrance, and provides for express dedication of the park entrance to Westland Hills Park.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

Closing and discontinuance of rights-of-way, as well as dedication of parkland, require legislative action from a municipality's governing body.

Per Second Class Cities Law § 101, when the Council discontinues a street, "it shall cause a notice to be published for ten days in the official newspaper or newspapers of the city of its intention so to do, and that all persons interested may be heard in reference thereto at a time stated in such notice." In other words, a public hearing must be held. Moreover, "An ordinance discontinuing any street shall require the affirmative vote of three-fourths of all the members of the common council."

FISCAL IMPACT(S)

None.

Council Member Kimbrough introduced the following:

RESOLUTION 46.51.22R

A RESOLUTION OF THE COMMON COUNCIL ESTABLISHING STANDARD WORK DAYS FOR THE COMMON COUNCIL AS REQUIRED BY REGULATION 315.4 OF THE NEW YORK STATE COMPTROLLER

BE IT RESOLVED, that the Common Council of the City of Albany hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (Based on Record of Activities)
Council Member	Sonia Frederick	6	01/01/2022-12/31/2025	N	7

; and

BE IT FURTHER RESOLVED, that the Human Resources Director shall submit an adjustment report amending the number of days previous reported to the Retirement System if there is any inconsistency with what was previously reported as the standard workday.

To: Danielle Gillespie, City Clerk

From: Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: April 19, 2022

Sponsor: Council Member Kimbrough

RESOLUTION NUMBER 46.51.22R

TITLE

A RESOLUTION OF THE COMMON COUNCIL ESTABLISHING STANDARD WORK DAYS FOR THE COMMON COUNCIL AS REQUIRED BY REGULATION 315.4 OF THE NEW YORK STATE COMPTROLLER

GENERAL PURPOSE OF LEGISLATION

This ordinance establishes a standard work day and reports the average number of days worked per month for elected officials, as required by state regulation.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Regulations of the New York State Local and State Retirement System, codified at 2 NYCRR § 315.4, require “the governing board of a participating employer of an elected ... official [to] establish, by resolution, a standard work day for each elective ... officer.” The Common Council is the “governing board” of the City of Albany, which is a “participating employer,” for purposes of this regulation. Thus, this resolution is required.

FISCAL IMPACT

None

Council Member Kimbrough introduced the following:

RESOLUTION NUMBER 47.51.22R

A RESOLUTION OF THE COMMON COUNCIL APPOINTING SHANIQUA DOWDY AS A MARRIAGE OFFICER

WHEREAS, Article 3 of the Domestic Relations Law authorizes the governing body of a City to appoint Marriage Officers, who shall have the authority to solemnize marriages in accordance with applicable provisions of law and within the municipal boundaries of the City; and

WHEREAS, Article 3 of the Domestic Relations Law permits the Common Council to set the terms of Marriage Officers at up to four years; and

WHEREAS, Shaniqua Dowdy is an employee of the City of Albany and the Deputy City Clerk;

NOW, THEREFORE, BE IT RESOLVED, that Shaniqua Dowdy be hereby appointed as Marriage Officer in the City of Albany for a term effective immediately and which shall run until December 31, 2025 or until such above-named Marriage Officer(s) shall no longer be employed by the City of Albany, whichever occurs first; and

BE IT FURTHER RESOLVED, that such Marriage Officer will not receive a salary or wage for her services; however, for each marriage which said Marriage Officer officiates, the City of Albany shall be paid, by or on behalf of the persons married, a marriage solemnization fee of \$25.00.

To: Danielle Gillespie, City Clerk

From: Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: April 19, 2022

Sponsor: Council Member Kimbrough

RESOLUTION NUMBER 47.51.22R

TITLE

A RESOLUTION OF THE COMMON COUNCIL APPOINTING SHANIQUA DOWDY AS A MARRIAGE OFFICER

GENERAL PURPOSE OF LEGISLATION

This resolution appoints a new marriage officer for four years – the maximum term allowed under the Domestic Relations Law – or until she is no longer employed by the City of Albany.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Section 11-c of the Domestic Relations Law gives the Common Council the authority to appoint Marriage Officers who may solemnize marriages within the territorial boundaries of the City of Albany. Such appointments are accomplished by resolution.

Dom. Rel. L. § 11-c (3) further provides that “In the event that a marriage officer receives a salary or wage, he or she shall not receive any remuneration or consideration from any other source for performing his or her duties.” As Ms. Dowdy already receives a wage from the City in her capacity as Deputy City Clerk, the resolution makes clear that she may not receive remuneration in her capacity as a Marriage Officer, but that the City may still collect \$25 for the performance of each marriage ceremony.

FISCAL IMPACT(S)

Departmental revenue from solemnization of marriages is estimated at approximately \$10,000 per year.

Council Member Love introduced the following:

RESOLUTION NUMBER 48.51.22R

A RESOLUTION OF THE COMMON COUNCIL HONORING THE LIFE AND LEGACY OF CHARLES AND EDNA HOWARD AND RENAMING A PORTION OF CLINTON AVENUE AS CHARLES AND EDNA HOWARD WAY

WHEREAS, Charles Will Howard migrated to New York State in 1930 leaving behind the atrocities and mistreatment faced by black men in Birmingham, Alabama. He knew at 12 years of age that something better existed up North and he would be safe from unfair Jim Crow laws and lynching. With just \$1.00 in his possession he traveled on freight trains and did odd jobs to make his way to Buffalo, New York; and

WHEREAS, once Charles Will Howard made it to Buffalo he continued to demonstrate his ingenuity and creativity in securing work. It was In Buffalo, while living with family and battling an illness, that he met his future wife Edna Mae Davis. After a two year courtship the two would be wed and relocated to Albany, New York; and

WHEREAS, after their marriage and relocation to Albany, New York they would have three beautiful children. First they resided on Van Ward Street in New Albany and then move to Orange Street before they moved to 172 Clinton Avenue, the home that they purchased ; and

WHEREAS, the Howards were very active in supporting their community and serving at the Mount Olive Southern Missionary Baptist Church where they were one of the first of the founding families of the church; and

WHEREAS, the Howards were well loved and respected members of the Arbor Hill Community and the longest-living black family owning property on Clinton Avenue. They supported and gave to their community for over 50 years. Charles Will Howard was called home in 1997 but while alive he was an active member of the church serving on the Usher board for more than 20 years until his appointment to trusteeship for the Church Financial Ministry. Ms Edna Mae Davis is a still a longstanding mother of the Mount Olive Southern Missionary Baptist Church;

NOW, THEREFORE, BE IT RESOLVED, that the Albany Common Council honors the life and legacy of Charles and Edna Howard and directs that an honorary street sign to read “Charles and Edna Howard Way” shall be placed adjacent to the existing signs at Clinton Avenue and South Swan and Dove Streets; and

BE IT FINALLY RESOLVED, that a copy of this resolution, suitably engrossed be transmitted to the family of Charles Will Howard and Edna Howard, and a portion of Clinton Avenue between South Swan and Dove Streets will be renamed Charles and Edna Way to honor the legacy of these two community pillars.



City Clerk
 City of Albany, New York
 City Hall
 24 Eagle Street
 Albany, NY 12207
 www.cityclerk@albanyny.gov

Date Received

Proposed Honorary Street Name Application Form

Instructions: This application must be completed in full and submitted for review. Please complete one (1) form for each proposed street name. Please complete the application in its entirety and print. Requests must be accompanied by the \$50.00 application fee

Applicant Information

Applicant's Name Geraldine E. Howard - Phillips
 Street Address 172 Clinton Ave. City/State Albany, NY zip 12210
 Telephone (518) 977-0525 Fax () Email warddea12@gmail.com

Honorary Street Information

Please note, proposed honorary names will be placed under existing street names for persons or groups being honored.

Requested Honorary Name Charles and Edna Howard Way
 Suggested Location Clinton Avenue
 Existing Street Name Clinton Avenue
 Cross Street Information: From S. Swan to Clinton + Dove Sts.
 Number of Intersections _____

Map of location for the proposed honorary street name attached () Yes () No

Honoree Information

Biography or reason for honoring the individual or group attached Yes () No

Individual or group to be honored relevance to the proposed location (please explain): Mr. & Mrs. Charles Will Edward & Edna Mae have occupied property in this block of Clinton Ave since 1971 and have been a clear & present family in the neighborhood for four decades and has served their community well.

Applicant's Signature Geraldine E. Phillips Date _____



To: Danielle Gillespie, City Clerk
From: Council Member Love, Council Member, 3rd Ward
Re: Common Council Legislation
Supporting Memorandum
Date: April 21, 2022
Sponsor: Council Member Love

RESOLUTION NUMBER 48.51.22R

TITLE

A RESOLUTION OF THE COMMON COUNCIL HONORING THE LIFE AND LEGACY OF CHARLES WILL AND EDNA MAE HOWARD AND RENAMING A PORTION OF CLINTON AVENUE AS CHARES AND EDNA HOWARD WAY

GENERAL PURPOSE OF LEGISLATION

Honoring the life and celebrating the contributions of Charles Will and Edna Mae Howard.

FISCAL IMPACT

None.