

COMMON COUNCIL OF THE CITY OF ALBANY
SUPPORT LEGISLATION
SEPTEMBER 8, 2022

LOCAL LAWS

- L OF 2022** **A LOCAL LAW AMENDING ARTICLE VIIB (ALBANY POLICE DEPARTMENT INTERACTIONS) OF PART 1 (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY WITH REGARD TO THE USE OF CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS ON CIVILIAN POPULATIONS**
- M OF 2022** **A LOCAL LAW AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) REDUCING THE SPEED LIMIT OF THE CITY OF ALBANY FROM 30 TO 25 MILES PER HOUR**

ORDINANCES

- 19.91.22** **AN ORDINANCE AMENDING PART 21 (COMMON COUNCIL) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY ENACTING A SUMMER RECESS IN LEGISLATIVE SESSIONS**
- 20.91.22** **AN ORDINANCE AMENDING CHAPTER 151 (COMMERCIAL STANDARDS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CONSUMER PROTECTION FOR PARKING LOTS**
- 21.91.22** **AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO HISTORIC MANSION HILL LIMITED PARTNERSHIP OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF THE ASH GROVE PLACE COMMON ALLEY (TAX MAP NUMBER 76.49-3-57) FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP**

RESOLUTIONS

- 84.91.22R** **A RESOLUTION OF THE COMMON COUNCIL CERTIFYING TO THE COMMISSIONER OF THE STATE DEPARTMENT OF TAXATION AND FINANCE AND TO THE CHIEF FISCAL OFFICER OF THE ALBANY CITY SCHOOL DISTRICT THE LOCALLY-ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR SCHOOL TAX YEAR 2022-23,**

**PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW
ARTICLE 19**

85.91.22

**A RESOLUTION OF THE COMMON COUNCIL CALLING ON
THE CITY OF ALBANY TO PERFORM A TRAFFIC STRUDY SO
THAT THE CITY SPEED LIMIT MAY BE LOWERED TO 25
MILES PER HOUR IN ACCORDANCE WITH NEW STATE
LEGISLATION**

Council Members Love and Kimbrough introduced the following:

LOCAL LAW L of 2022

A LOCAL LAW AMENDING ARTICLE VIIB (ALBANY POLICE DEPARTMENT INTERACTIONS) OF PART 1 (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY WITH REGARD TO THE USE OF CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS ON CIVILIAN POPULATIONS

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

Section 1. Article VIIB (Albany Police Department Interactions) of Part 1 (Department of Police) of Chapter 42 (Departments and Commissions) of Part I (Administrative Legislation) of the Albany City Code is hereby amended by adding a new section 42-54.3 to read as follows:

Section 42-54.3. Use of Chemical Weapons and Kinetic Energy Munitions

A. Use of Chemical Weapons and Kinetic Energy Munitions Policy.

(1) The Chief of Police, or if there is one, the Commissioner of Public Safety, shall establish a written policy to prohibit the use of Chemical Weapons and Kinetic Energy Munitions by any member of the Albany Police Department on civilian populations, except for:

(a) The use of pepper spray as defined in subsection (B)(1)(a) of this section;

(b) In circumstances where a person is being restrained against their will, as defined in Penal Law §135.00, where significant bodily injury is clearly threatened against such individual, and the Chief of Police or a Deputy Chief of Police present on the site determined that there is no alternative to the use of chemical weapons to secure the safety of the person being so restrained and adequate notice is given to individuals occupying indoor or outdoor spaces in the vicinity to allow them to protect themselves against exposure;

(c) Circumstances in which the Chief of Police or Deputy Chief of Police is on site at a situation in which eleven or more persons are present and such Chief of Police or Deputy Chief of Police confirms that:

(i) such persons are engaging in actions that meet the elements of section 240.06 (1) of the New York State Penal Law;

(ii) no alternative to the use of Chemical Weapons and/or Kinetic Energy Munitions is available to enable the Albany Police Department to secure the safety of people in the immediate vicinity;

Matter in ~~strikethrough~~ to be deleted. Matter underlined is new material.

- (iii) the Albany Police Department has provided three notifications to the public in the immediate vicinity that Chemical Weapons and/or Kinetic Energy Munitions are about to be deployed; and
 - (iv) at least one Emergency Medical Technician is present at the scene of the situation.
 - (d) However, neither Chemical Weapons nor Kinetic Energy Munitions shall be deployed:
 - (i) against any individual or group of individuals who are engaging in First Amendment Activities, as defined in paragraph (3) of subsection (B) of this section; or
 - (ii) in a residential area unless the Chief of Police or Deputy Chief of Police present on site determines its use is absolutely necessary to protect lives.
- (2) Prior to the establishment of such policy, the Chief of Police, or if there is one, the Commissioner of Public Safety, shall present such policy to the Community Police Review Board and shall consider any modifications as recommended by such Board.
- (3) Such policy shall be consistent with the limitations in this section and shall be established within sixty (60) days of the enactment of this law.
- (4) Whenever either Chemical Weapons or Kinetic Energy Munitions are deployed by any member of the Albany Police Department, the Chief of Police shall submit a Use of Force Report to the Public Safety Committee of the Common Council within five (5) business days of such use of Chemical Weapons or Kinetic Energy Munitions. The Public Safety Committee shall convene as soon as practicable after the submission of such Use of Force Report to review the use of such weapons and/or munitions. The following shall apply to all meetings of the Public Safety Committee of the Common Council at which Use of Force Reports dealing with the use of Chemical Weapons and/or Kinetic Energy Munitions are discussed:
 - (a) The Chief of Deputy Chief who authorized the use of Chemical Weapons or Kinetic Energy Munitions at issue shall attend the meeting at which the Public Safety Committee reviews the Use of Force report to explain the decision to deploy Chemical Weapons or Kinetic Energy Munitions.
 - (b) The Public Safety Committee may make a finding as to whether Chemical Weapons and/or Kinetic Energy Munitions were deployed, in the instance at issue, in a manner consistent with or in violation of the policy laid out in this section. If the Public Safety Committee determines that Chemical

Weapons or Kinetic Energy Munitions were deployed in a manner inconsistent with such policy, the Public Safety Committee can make a recommendation to the Common Council to ban such Chemical Weapons and/or Kinetic Energy Munitions completely.

B. Definitions. For the purposes of this section, the following terms shall have the following meaning:

(1) Chemical Weapons. Any type of device containing toxic chemicals designed to be launched or thrown as a projectile or otherwise released in the area of civilian populations, in order to cause temporary or permanent incapacitation, injury or trauma to the intended target, through the action of such chemicals as an eye, throat, respiratory, and/or skin irritant. The term specifically includes, but is not limited to, any item commonly referred to as or having similar effects to “tear gas.”

(a) The term “chemical weapon” shall not apply to the use of pepper spray contained in liquid spray canisters of a volume no greater than 0.75 ounces when used to temporarily control a specific individual a police officer reasonably believes to be in the process of committing a crime that endangers other people and only when such agent is released in compliance with department policies and New York State law relating to the use of force and under circumstances that reasonably assure others in the vicinity are not affected by the use of such spray.

(2) Kinetic Energy Munitions. Any type of device designed to be launched from any device as a projectile, in order to cause temporary pain, injury, irritation, disability, incapacitation or trauma to the intended target. The term specifically includes, but is not limited to, any item commonly referred to as “impact rounds” or “rubber bullets.”

(3) First Amendment Activities. Any demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons.

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

**APPROVED AS TO FORM THIS
26TH DAY OF AUGUST, 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Brett-Williams, Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: August 26, 2022

Sponsors: Love & Kimbrough

LOCAL LAW L of 2022

TITLE

A LOCAL LAW AMENDING ARTICLE VIIB (ALBANY POLICE DEPARTMENT INTERACTIONS) OF PART 1 (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY WITH REGARD TO THE USE OF CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS ON CIVILIAN POPULATIONS

GENERAL PURPOSE OF LEGISLATION

The City of Albany recognizes that use chemical weapons and kinetic energy munitions by the Albany Police Department should be regulated and that the Department should deploy such implements only as a last resort.

In accordance with the recommendations of the Policing Reform Collaborative, APD adopted limitations and restrictions on the use of chemical weapons and kinetic energy munitions through their own department general orders. However, in order to ensure that future administrations uphold and adhere to these standards, this Local Law enshrines into law significant restrictions on the circumstances in which the Albany Police Department may deploy chemical weapons and kinetic energy munitions, and establishes procedures the Department must follow both before and after the use of such implements.

The local law requires the Chief of Police to develop and promulgate written procedures for the use of chemical weapons and kinetic energy munitions. Such procedures must be consistent with this local law, presented to the Community Police Review Board for review, and ultimately established within 60 days from the effective date of this local law.

Under this local law, chemical weapons and kinetic energy munitions may only be deployed in three narrow circumstances.

First, APD may deploy pepper spray, in an amount no greater than 0.75 ounces, only in compliance with all relevant federal, state, and local statutes, on a specific individual reasonably believed to be in the process of committing a crime that endangers other people, and only when the deploying officer can be reasonably sure that others in the vicinity will not be affected by the use of the pepper spray.

Next, chemical weapons and/or kinetic energy munitions may be deployed in the limited circumstance where an individual is being held against his or her will, and the Chief of Police or a Deputy Chief, present on the site, determines that the use of such implements is the only means to secure the safety of the person being held against his or her will, and then only when adequate notice has been provided to individuals, both indoors and out, in the vicinity to allow them to protect themselves against exposure.

Finally, the Chief of Police or a Deputy Chief may order the use of chemical weapons and/or kinetic energy munitions only when he or she is on site, and then only when: i) eleven or more people are engaging in tumultuous and violent conduct which intentionally or recklessly creates a grave risk of causing public alarm and/or injury to bystanders; ii) no alternatives exist to the use of chemical weapons and/or kinetic energy munitions which would ensure the safety and security of people in the vicinity; iii) APD has notified the public in the vicinity at least three times that deployment of such implements may be imminent; and iv) at least one Emergency Medical Technician is present at the scene.

In addition to these limitations, chemical weapons may not be deployed: i) against individuals engaging in activities protected by the first amendment of the United States Constitution, including, but not limited to, demonstrations, picketing, speechmaking, marching, holding vigils or religious services; or ii) in a residential neighborhood unless each of the above elements are met *and* the Chief of Police or Deputy Chief on site determines that such use is absolutely necessary to protect lives, not merely property.

Whenever such implements are deployed, APD must submit a written use of force report to the Common Council's Public Safety Commission within five days of such use, and the Committee shall determine whether such use was consistent or inconsistent with department policy and this local law.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Most police conduct – including police department interactions with community members – is governed by departmental rules, regulations, procedures, and practices, particularly the department's General Orders. This Local Law enshrines limitations on and procedures for the use of chemical weapons and kinetic energy munitions into City Code.

FISCAL IMPACT(S)

None.

Council Member Zamer introduced the following:

LOCAL LAW M of 2022

**A LOCAL LAW AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC)
REDUCING THE SPEED LIMIT OF THE CITY OF ALBANY FROM 30 TO 25 MILES
PER HOUR**

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

Section 1. Subsection A of Section 359-18 (Speed Regulations) of Article II (Traffic Regulations) of Part II of the Code of the City of Albany is amended:

A. The City of Albany speed limit shall be ~~30~~ 25 miles per hour ~~except it shall be 25 miles per hour on South Pearl Street (State Route 32) from the intersection of South Pearl Street with Old South Pearl Street north to the intersection of South Pearl Street with First Avenue~~ or as otherwise posted.

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

**APPROVED AS TO FORM THIS
22ND DAY OF AUGUST, 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: August 22, 2022
Sponsor: Council Member Zamer

LOCAL LAW M of 2022

TITLE

**A LOCAL LAW AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC)
REDUCING THE SPEED LIMIT OF THE CITY OF ALBANY FROM 30 TO 25 MILES
PER HOUR**

GENERAL PURPOSE OF LEGISLATION

The purpose of this legislation is to reduce the speed limit within city limits to 25 MPH.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

Research shows that faster driving speeds correlate to more serious injuries and fatalities for pedestrians in the event of an accident. The faster a vehicle is traveling, the less time its driver will have to see a pedestrian in the road and stop, and the less time a pedestrian will have to react. According to the AAA Foundation for Traffic Safety, a pedestrian struck by a vehicle going 25mph has a 25 percent risk of sustaining a serious or fatal injury, a 50 percent risk at 33mph and a 75 percent risk at 41mph.

A 2018 study released by the Insurance Institute for Highway Safety found that lowering the speed limit by 5 mph on city streets improves safety outcomes for motorists, pedestrians, and bicyclists by reducing the incidence of speeding. The study focused on Boston, which in 2017 lowered its default speed limit on city streets from 30mph to 25mph. Researchers found that after the city lowered its speed limit, the estimated odds of a vehicle exceeding 35mph fell by 29.3 percent. Also, the odds of a vehicle exceeding 30mph fell by 8.5 percent and by 2.9 percent of exceeding 25mph. These reduced speeds will help to curb the city's incidence of serious injuries and fatalities in pedestrian involved accidents.

In 2014, New York City lowered its speed limit from 30mph to 25mph, as part of a program known as "Vision Zero," aimed at ending all traffic related deaths and serious injuries in the city by 2024. To date, the three years following implementation of the program have been studied and the number of traffic related fatalities declined for these three consecutive years and went down 23 percent overall.

In August of 2022, Governor Hochul signed bill S2021A/A1007, which grants municipalities the authority to lower the speed limit to as low as 25 mph.

FISCAL IMPACT(S)

The amount of signs that need to be replaced is currently unknown. The City of Schenectady recently changed about 200 signs and the cost was about \$20,000.00.

Council Member Love, Farrell, Robinson, Flynn, and Kimbrough, introduced the following:

ORDINANCE 19.91.22

AN ORDINANCE AMENDING PART 21 (COMMON COUNCIL) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY ENACTING A SUMMER RECESS FOR LEGISLATIVE SESSION

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

Section 1. Section 42-228 (Regular Meetings; schedule) of Article XXXI (General Provisions) of Chapter 42 (Departments and Commission) of Part I (Administrative Legislation) of the Code of the City of Albany is hereby amended by adding a new subsection to read as follows:

§ 42-228 Regular meetings; schedule.

- A. The regular official meetings of the Council shall be held on the first and third Mondays of each month. The Common Council shall convene at 7:00 p.m. Regular meetings of the Common Council may be changed by consent of the Council President, President Pro-Tempore and Majority Leader, when the regular meeting date falls on a holiday, religious or cultural observance. The public shall be notified of the new date as provided in the NYS Open Meetings Law.
- B. During the months of July and August, the Common Council will be on recess, during which the Council will not promulgate an agenda or new legislation, nor convene nor hold legislative sessions. The dates during these months on which the Council would ordinarily meet, as described in subsection A of this section, will be placed the official calendar of the Common Council as reserved dates but no legislative session will occur nor will an agenda be set unless the Common Council is called back to session by the President Pro-Tempore with a minimum of seven calendar days' notice (electronically or by other means allowed by law) with an agenda to be released simultaneously to the public.
- i. This shall not apply to emergency meetings or special meetings as allows in the Public Officers Law or in the Code of the City of Albany.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
25TH DAY OF AUGUST, 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: John-Raphael Pichardo, Esq., Counsel to the Common Council

**Re: Common Council Legislation
Supporting Memorandum**

Date: August 25, 2022

Sponsors: Council Member Love, Farrell, Robinson, Flynn, and Kimbrough

ORDINANCE 19.91.22

TITLE

AN ORDINANCE AMENDING PART 21 (COMMON COUNCIL) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY ENACTING A SUMMER RECESS FOR LEGISLATIVE SESSION

GENERAL PURPOSE OF LEGISLATION

Taking a summer recess from Council meetings will allow Council Members to focus on constituent services and inform and discuss, with the residents of their districts, prior legislative work or future legislative priorities

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

The Council's meeting schedule of the first and third Monday of *every* month is enshrined in City Code. Any alteration to this schedule must be undertaken by ordinance.

FISCAL IMPACT(S)

None.

Council Member Farrell introduced the following:

ORDINANCE 20.91.22

AN ORDINANCE AMENDING CHAPTER 151 (COMMERCIAL STANDARDS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CONSUMER PROTECTION STANDARDS FOR PARKING LOTS

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

Section 1. Section 151-21 (Reserved) of Article II (Exterior Maintenance, Safety, Sanitation, and Appearance) of Chapter 151 (Commercial Standards) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

§ 151-21 (~~Reserved~~) Parking lots.

- A. Applicability. This section shall apply to surface parking lots, as defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot.
- B. Compliance with Other Provisions of City Code. Surface parking lots, as defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot must meet all requirements for parking lot and garage design standards under section 375-405(5)(c)(i)-(iv) of this Code, to the maximum extent practicable, and all additional requirements established hereunder.
- C. Compliance with the Americans with Disabilities Act and New York State Building Code. Where parking is provided in surface parking lots, as defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot, accessible parking spaces shall be provided in compliance with section 1106 of the New York State Building Code relating to requirements for the number of accessible parking spaces that must be provided per lot, the inclusion of access aisles with appropriate signage, and the location of accessible parking spaces, in accordance with the federal Americans with Disabilities Act.
- D. Regulatory Authority. The Chief Planning Official is authorized and directed to promulgate such reasonable rules and regulations as he or she may deem necessary for the safe and proper maintenance and operation of surface parking lots as such term is defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot. Such authority shall extend to and include promulgation of rules and regulations that the Chief Planning Official may deem necessary for the proper signage of such surface parking lots, for wayfinding, accessibility, and other such appropriate purposes.

Matter in ~~strikethrough~~ to be deleted. Matter underlined is new material.

E. Notwithstanding the effective date under section 151-117 of this chapter, existing surface parking lots, as defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot, shall conform to the requirements under subsections (A) through (F) of this section by December 31, 2023. Screening and paving plans shall be first reviewed and application made to the Director of the Department of Buildings and Regulatory Compliance for a building permit. All lots not in compliance with this section shall be subject to any and all remedies available under this chapter or any other applicable section of this Code.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
THIS 25TH DAY OF AUGUST 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

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

Re: Common Council Legislation
Supporting Memorandum

Date: August 25, 2022

Sponsor: Council Member Farrell

ORDINANCE 20.91.22

TITLE

AN ORDINANCE AMENDING CHAPTER 151 (COMMERCIAL STANDARDS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CONSUMER PROTECTION STANDARDS FOR PARKING LOTS

GENERAL PURPOSE OF LEGISLATION

At present, there is a potentially confusing and incomplete matrix of laws, codes, regulations, and standards that apply to privately-owned surface parking lots in the City of Albany. This legislation makes clear what laws apply to such parking lots, establishes the Chief Planning Official's authority to promulgate rules and regulations for surface lots, and provides a framework for enforcement of these new standards.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

The former Code § 151-21, which provided commercial standards for parking lots, was repealed by ordinance in 2017. This legislation, which replaces and expands upon that repealed statute, and which was developed in conjunction with the Albany Parking Authority, as well as the Departments of Planning and Buildings and Regulatory Compliance, may be enacted by ordinance.

FISCAL IMPACT

None.

Council Member Johnson introduced the following:

ORDINANCE 21.91.22

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO HISTORIC MANSION HILL LIMITED PARTNERSHIP OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF THE ASH GROVE PLACE COMMON ALLEY (TAX MAP NUMBER 76.49-3-57) FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP

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

Section 1. The City of Albany is hereby authorized to grant an easement to Historic Mansion Hill Limited Partnership over a portion of the Ash Grove Place Common Alley right-of-way in the area of 112 Grand Street, in the City of Albany for the purpose of construction and maintenance of an ADA compliant ramp as requested by the property owner, and as described more fully in the legal description attached hereto.

Section 2. The form, content, terms and conditions of such easement shall be approved by the Corporation Counsel.

Section 3. The Grantee shall not hinder, interfere with, prevent, delay, obstruct, or adversely affect the Grantor in the reasonable exercise of its governmental operations or functions.

Section 4. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
25TH DAY OF AUGUST, 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Brett Williams, Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: August 25, 2022

Sponsor: Council Member Johnson

ORDINANCE 21.91.22

TITLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO HISTORIC MANSION HILL LIMITED PARTNERSHIP OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF THE ASH GROVE PLACE COMMON ALLEY (TAX MAP PARCEL 76.49-3-57) FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP

GENERAL PURPOSE OF THE LEGISLATION

Historic Mansion Hill Limited Partnership, which owns and operates a number of affordable housing rental properties in the Mansion District, requests an easement to make improvements to the 65 ft.² of city-owned common alleyway behind 112 Grand Street in order to build and maintain an ADA-compliant access ramp from 112 Grand Street to the lot formerly having an address of 12 Ash Grove Place (now merged with 104 Grand Street), which the Partnership also owns.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Common Council approval is required for land transactions, such as the granting of a permanent easement in the City's right-of-way.

FISCAL IMPACT

None.

Council Member Frederick introduced the following:

RESOLUTION NUMBER 84.91.22R

A RESOLUTION OF THE COMMON COUNCIL CERTIFYING TO THE COMMISSIONER OF THE STATE DEPARTMENT OF TAXATION AND FINANCE AND TO THE CHIEF FISCAL OFFICER OF THE ALBANY CITY SCHOOL DISTRICT THE LOCALLY-ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR SCHOOL TAX YEAR 2022-23, PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW ARTICLE 19

WHEREAS, by Local Law No. 1-1998, the Common Council adopted the provisions of Section 1903 of the Real Property Tax Law relating to the establishment and certification of the local adjustments to the adjusted base proportions of homestead and non-homestead classes; and

WHEREAS, pursuant to section 1903(6)(a) of the Real Property Tax Law, the governing body of an assessing unit in which a school district is wholly contained must “annually certify to the chief fiscal officer of each should district wholly contained within such assessing unit and to the commissioner, the applicable locally-adjusted homestead proportions and locally-adjusted non-homestead proportions.”

WHEREAS, the Albany City School District is wholly contained within the City of Albany and is the only school district within the City of Albany; and

WHEREAS, by Resolution 90.121.21R, the Common Council adopted a locally-adjusted homestead base proportion of 54.71881 percent and a locally-adjusted non-homestead base proportion of 45.28119 percent for the 2022 tax year, which are both based on rates provided to the City by the New York State Office of Real Property Tax Services;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby certifies to the Chief Fiscal Officer of the Albany City School District and to the Commissioner of the New York State Department of Taxation and Finance that, for the 2022-23 school tax year, the locally-adjusted homestead base proportion is 54.71881 percent and the locally-adjusted non-homestead base proportion is 45.28119 percent; and

BE IT FURTHER RESOLVED, that copies of this resolution shall, upon passage, be transmitted to the Chief Fiscal Officer of the Albany City School District and to the Commissioner of the New York State Department of Taxation and Finance.

To: Danielle Gillespie, City Clerk

From: Brett Williams, Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: August 23, 2022

Sponsor: Council Member Frederick

RESOLUTION NUMBER 84.91.22R

TITLE

A RESOLUTION OF THE COMMON COUNCIL CERTIFYING TO THE COMMISSIONER OF THE STATE DEPARTMENT OF TAXATION AND FINANCE AND TO THE CHIEF FISCAL OFFICER OF THE ALBANY CITY SCHOOL DISTRICT THE LOCALLY-ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR SCHOOL TAX YEAR 2022-23, PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW ARTICLE 19

GENERAL PURPOSE OF LEGISLATION

The resolution certifies to the Chief Fiscal Officer of the Albany City School District and the Commissioner of the New York State Department of Taxation and Finance the local adjustments to the base proportions of taxable value for homestead and non-homestead classes for the 2021-22 school tax year.

Per resolution 90.121.21R, which established the 2022 class shares for the City, the locally adjusted base proportion shall equal 54.71881% and the locally adjusted non-homestead base proportion shall equal 45.28119%.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Article 19 of the Real Property Tax Law requires that the “governing body,” in this case the Common Council, “of any approved assessing unit,” i.e., the City, must annually certify the City’s locally-adjusted homestead and non-homestead base proportions to both the school district’s chief fiscal officer and the commissioner of the state Department of Taxation and Finance.

Since the boundaries of the Albany City School District are coterminous with those of the city itself and the district is therefore wholly contained within the city, the school district has no discretion to set its own locally-adjusted base proportions.

FISCAL IMPACT(S)

None.

Council Member Zamer introduced the following:

RESOLUTION 85.91.22R

A RESOLUTION OF THE COMMON COUNCIL CALLING ON THE CITY OF ALBANY TO PERFORM A TRAFFIC STUDY SO THAT THE CITY SPEED LIMIT MAY BE LOWERED TO 25 MILES PER HOUR IN ACCORDANCE WITH NEW STATE LEGISLATION

WHEREAS, the benefits of lowering the speed limit in the City of Albany is clear – research from the Insurance Institute for Highway Safety has demonstrated that by lowering speed limits on city streets from 30 to 25 miles per hour the estimated odds of a vehicle exceeding 35mph fell by 29.3 percent and the odds of a vehicle exceeding 30mph fell by 8.5 percent, while research from AAA indicates that a pedestrian struck by a vehicle going 25mph has a 25 percent risk of sustaining a serious or fatal injury, a 50 percent risk at 33mph and 75 percent risk at 41mph; and

WHEREAS, on August 12, 2022, Governor Kathy Hochul signed into law bill S2021A/A1007 which, among other things, amended the Vehicle and Traffic Law to allow municipalities to lower their speed limits to 25 miles per hour, down from the 30 miles per hour that the law had previously allowed; and

WHEREAS, section 1643 of the Vehicle and Traffic Law mandates that no speed limit shall be established in a city or village “except in accordance with the engineering considerations and factors for speed limits set forth in the manual and specifications for a uniform system of traffic control devices maintained by the Commissioner of Transportation”; and

WHEREAS, this manual requires a traffic study to be performed before speed limit (and speed limit signs) can be altered; and

WHEREAS, the City of Albany is applying for a “Vision 0” grant through Safe Streets and Roadways for All, which could help fund the traffic study required to implement a 25 mile-per-hour speed limit in the City of Albany; and

WHEREAS, since it is in the best interest of all who use Albany’s streets for the City to lower its speed limit to 25 miles per hour as soon as possible the Common Council has introduced Local Law M of 2022 to implement this change, but it cannot be done without first completing a traffic study;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany calls on the City to perform the traffic study, using Vision 0 grant funding if such funding is obtained, required in order for the Council to pass legislation lowering the speed limit in the City of Albany from 30 miles per hour to 25.

To: Danielle Gillespie, City Clerk

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

Re: Common Council Legislation
Supporting Memorandum

Date: August 26, 2022

Sponsor: Council Member Zamer

RESOLUTION 85.91.22R

TITLE

A RESOLUTION OF THE COMMON COUNCIL CALLING ON THE CITY OF ALBANY TO PERFORM A TRAFFIC STUDY SO THAT THE CITY SPEED LIMIT MAY BE LOWERED TO 25 MILES PER HOUR IN ACCORDANCE WITH NEW STATE LEGISLATION

GENERAL PURPOSE OF LEGISLATION

New state legislation, signed by the Governor just a few weeks ago, enables towns and villages to lower their speed limits from 30 mph to 25. This change will have demonstrable benefits for all road-users in the City of Albany, including both motorists and pedestrians and, as such, the Common Council has introduced Local Law M of 2022, which would effectuate such a change. However, the vehicle and traffic law requires the City to perform a traffic study before changing the speed limit. This resolution calls on the City to do so as soon as possible.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Section 1643 of the Vehicle and Traffic Law, and the relevant engineering standards referenced therein, require a traffic study to be performed prior to changing the speed limit on a city street. This legislation calls on the City to perform such a study so that the speed limit in the City of Albany may be lowered from 30 miles per hour to twenty.

FISCAL IMPACT

The traffic study will likely some expenditure but the Vision 0 grant funding, if obtained, will at least help mitigate such cost.