



**MINUTES OF A REGULAR MEETING  
THURSDAY, January 21, 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, Farrell, Fahey, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, Robinson and President Ellis.

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

Council President Ellis led the Pledge of Allegiance.

**PUBLIC COMMENT PERIOD**

- 1) Danvass Gekonge, 21 N Pine Avenue, Albany, NY 12203 (Resolution 1.11.21R- Albany Flag)
- 2) John Berry, 48 West Eris Street, Albany, NY 12208 (Resolution 1.11.21R- Albany Flag)
- 3) Rikkana Araujo, 1400 Washington Ave, Albany, NY 12222 (Resolution 1.11.21R- Albany Flag)
- 4) Adam Aleksic, Esq., 79 Brookline Ave, Albany, NY (Resolution 1.11.21R- Albany Flag)
- 5) Mark Landau (Resolution 10.12.21R- Honoring, Henry "Hank" Landau)

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

## **Approval of Minutes**

President Pro Tem Kimbrough made a motion to approve the minutes of January 4, 2021 meeting of the Council, which was duly seconded, and APPROVED by unanimous voice vote.

## **CONSIDERATION OF LOCAL LAWS:**

Council Member Conti noticed Local Law A – 2021 as follows, which was held for further consideration:

### **LOCAL LAW A -2021**

#### **A LOCAL LAW AMENDING SECTION 202 (CONTINUOUS TERMS) OF ARTICLE 2 (ELECTIVE OFFICERS) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR NONPARTISAN ELECTIONS**

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

**Section 1.** Section 202 of the Charter of the City of Albany is hereby amended to read as follows:

#### **SECTION 202. CONTINUOUS TERMS. NONPARTISAN ELECTION OF CITY OFFICERS.**

Except where otherwise stated in this Charter, the regular election of the Mayor, Comptroller, Treasurer, President of the Common Council and each “Council member” shall be held every four years; existing terms shall continue uninterrupted by this Charter.

Elections for city offices shall be nonpartisan. Candidates for office shall not be nominated by political parties but shall obtain access to the ballot at the general election through the process outlined in Article 6 of the NYS Election Law for independent nominating petitions. All ballots for the election of city officers shall not contain a party mark or designation.

City elections shall be conducted in the same manner as provided by the NYS Election Law except as herein otherwise provided and all provisions of law relating to the conduct of general elections not inconsistent with the provisions of this section shall apply. At the close of each election the election officers shall proceed to count and canvass the votes cast in the manner provided by the Election Law.

**Section 2.** This section is enacted pursuant to the Municipal Home Rule Law. This section shall supersede the provisions of Election Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

**Section 3.** This local law shall take effect upon final passage, public hearing and approval of the electors at a general election of state or local government officers held not less than sixty days

after the adoption of this local law. It shall apply to the next succeeding election of city officers after adoption.

\* Council Member Conti spoke on the Local Law prior to referral to Committee

President Pro Tem Kimbrough referred Local Law A - 2021 to the Council Operations, and Ethics Committee for further consideration.

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

### **REPORTS OF STANDING COMMITTEES:**

**Planning, Economic Development:** Council member Fahey reported that the committee met on January 7, 2021 at 5:30PM to review Local Law M and Ordinance 21.92.20. The committee will further review Local Law M and Ordinance on February 16, 2021 at 5:30PM. The committee also met on January 11, 2021 at 5:30PM to review Ordinance 20.92.20 (which was voted out of committee) and on January 19, 2021 at 5:30PM on Ordinance 46.122.20, Resolution 5.12.21R and Resolution 6.12.21R. The committee will further review Ordinance 46.122.20, Resolution 5.12.21R and Resolution 6.12.21R on January 26, 2021 at 5:00PM.

**Council Operations and Ethics:** Council member Conti reported that the committee met on January 20, 2021 at 5:30PM to review Resolution 1.11.21 and 2.11.21, they were reported out of committee with a positive recommendation.

**Public Safety:** President Pro Tem Kimbrough reported that the committee will meet on January 25, 2021 at 5:30PM to review Local Law J of 2020 and February 8, 2021 at 5:30PM to review the City of Albany's Police Reform & Reinvention Collaboration Recommendations.

**General Service, Health and Environment:** Council Member Farrell reported that the committee will meet on January 27, 2021 at 6:30PM (following Caucus) to review Resolution 6.21.20R that promotes improvements in the law regarding snow and ice removal from sidewalks, street crossings, and bus stops and ensure equity and parity for residents whose primary mode of travel is walking and/or accessing public transportation with those residents who drive vehicles. The Council will discuss snow emergency operations with Department of General Service at the 5:30PM prior to the committee meeting

### **CONSIDERATION OF ORDINANCES**

Council member Fahey made a motion, which was duly seconded, requesting Unanimous Consent to add Ordinance 2.12.21 it to the agenda for passage. There being no discussion, the motion was adopted by voice vote.

Council Member Fahey on the behalf of Planning, Economic Development and Land Use Committee noticed Ordinance 2.12.21 as follows, asked passage and a roll call vote thereon:

**ORDINANCE 2.12.21**

**AN ORDINANCE AUTHORIZING THE MAYOR TO APPOINT PAIGE BARNUM TO THE BOARD OF ZONING APPEALS FOR A TERM OF OFFICE OF TWO YEARS**

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

**Section 1.** The Mayor shall have the authority to appoint Paige Barnum to the Board of Zoning Appeals for a term of office of two years. Such authority shall apply only to the appointment of Paige Barnum for a term of office to expire on December 31, 2022, as described in Common Council Resolution 9.12.21R.

**Section 2.** This ordinance shall not otherwise modify or affect the provisions of section 42-360.1(B) of the Code of the City of Albany with regard to any future appointments to the Board of Zoning Appeals.

**Section 3.** This ordinance shall take effect immediately and shall expire upon the passage of Common Council Resolution 9.12.21R.

\* Council Member O'Brien, Conti and Fahey spoke on the Ordinance prior to a vote

*Ordinance 2.12.21 was co-sponsored by Council Member Anane*

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, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough and Love

Present – O'Brien

Affirmative 12 Negative 0 Present 1

Council Member O'Brien noticed Ordinance 3.12.21 as follows, which was held for further consideration:

**ORDINANCE 3.12.21**

**AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY**

## **CLARIFYING VEGETATIVE COVERAGE IN RELATION TO NON-APPLICABILITY TO GREEN ROOFS**

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

**Section 1.** Sub-Paragraph (e) of paragraph 3 (General Landscaping Standards) of subdivision (F) (Landscaping, Screening and Buffering) of section 375-4 (Development Standards) is hereby amended to read:

(e) Vegetative Coverage

Any development or redevelopment site that triggers the requirements of this Section shall ensure that landscaping, screening, and/or buffering achieves at least the equivalent of 30 percent lot coverage by vegetated material to the greatest degree practicable. This shall not include green roofs.

**Section 2.** This ordinance shall take effect immediately.

President Pro Tem Kimbrough referred Ordinance 3.12.21 to the Planning, Economic Development and Land Use Committee for further consideration.

Council Member Conti noticed Ordinance 1.11.21 (**AN ORDINANCE AMENDING ARTICLE VIII (RESIDENTIAL PERMIT PARKING SYSTEM) OF CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ESTABLISHING ZONE BOUNDARIES AND STREETS DESIGNATED AS PERMIT ONLY WITHIN SUCH ZONES**) as follows, asked passage and a roll call vote thereon:

\* Council Member Conti spoke on the Ordinance prior to passage

Ordinance 1.11.21 *was co-sponsored by Council Members Fahey*

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, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O’Brien

Affirmative 13 Negative 0 Abstain 0

**President Pro Tem Kimbrough held the remaining Ordinance on the pending agenda.**

## **CONSIDERATION OF RESOLUTIONS**

Council Member Fahey on behalf of the Planning, Economic Development and Land Use Committee noticed Resolution 5.12.21R as follows, which was held for further consideration:

### **Resolution Number 5.12.21R**

#### **RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REAPPOINTMENT OF CHRISTOPHER ELLIS, JR. TO THE CITY OF ALBANY PLANNING BOARD**

**WHEREAS**, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, reappointed Christopher Ellis, Jr. as a member of the City of Albany Planning Board; and

**WHEREAS**, the Common Council must consent to the Mayor's appointments of members to the Planning Board under Article 3 of the City Charter;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the reappointment of Christopher Ellis, Jr. to the City of Albany Planning Board for a term of office to expire December 31, 2025.

President Pro Tem Kimbrough referred Resolution 5.12.21 to the Planning, Economic Development and Land Use Committee for further consideration.

Council Member Fahey on behalf of the Planning, Economic Development and Land Use Committee noticed Resolution 6.12.21R as follows, which was held for further consideration:

### **Resolution Number 6.12.21R**

#### **RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REAPPOINTMENT OF MARTIN HULL TO THE CITY OF ALBANY PLANNING BOARD**

**WHEREAS**, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, reappointed Martin Hull as a member of the City of Albany Planning Board; and

**WHEREAS**, the Common Council must consent to the Mayor's appointments of members to the Planning Board under Article 3 of the City Charter;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the reappointment of Martin Hull to the City of Albany Planning Board for a term of office to expire December 31, 2024.

President Pro Tem Kimbrough referred Resolution 6.12.21 to the Planning, Economic Development and Land Use Committee for further consideration.

Council Member Fahey on behalf of the Planning, Economic Development and Land Use Committee noticed Resolution 7.12.21R as follows, asked passage and a roll call vote thereon:

**Resolution Number 7.12.21R**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REAPPOINTMENT OF MARTIN DALEY TO THE BOARD OF ZONING APPEALS**

**WHEREAS**, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, appointed Martin Daley as a member of the Board of Zoning Appeals; and

**WHEREAS**, the Common Council must consent to the Mayor's appointments of members to the Board of Zoning Appeals under Article 3 of the City Charter;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the appointment of Martin Daley to the Board of Zoning Appeals for a term of office to expire December 31, 2023.

\* Council Member Fahey spoke on the Resolution prior to passage

There being no 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, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough and Love,

Affirmative – O'Brien

Affirmative 12 Negative 0 Present 1

Council Member Fahey on behalf of the Planning, Economic Development and Land Use Committee noticed Resolution 8.12.21R as follows, asked passage and a roll call vote thereon:

**Resolution Number 8.12.21R**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REAPPOINTMENT OF RICJA RICE-GHYLL TO THE BOARD OF ZONING APPEALS**

**WHEREAS**, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, appointed Ricja Rice-Ghyll as a member of the Board of Zoning Appeals; and

**WHEREAS**, the Common Council must consent to the Mayor’s appointments of members to the Board of Zoning Appeals under Article 3 of the City Charter;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the appointment of Ricja Rice-Ghyll to the Board of Zoning Appeals for a term of office to expire December 31, 2023.

\* Council Member Fahey spoke on the Resolution prior to passage

*Resolution 8.12.21R was co-sponsored by Council Member \_\_\_\_\_*

There being no 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, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough and Love,

Affirmative – O’Brien

Affirmative 12 Negative 0 Present 1

Council Member Fahey on behalf of the Planning, Economic Development and Land Use Committee noticed Resolution 9.12.21R as follows, asked passage and a roll call vote thereon:

**Resolution Number 9.12.21R**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REAPPOINTMENT OF PAIGE BARNUM TO THE BOARD OF ZONING APPEALS**

**WHEREAS**, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, appointed Paige Barnum as a member of the Board of Zoning Appeals; and

**WHEREAS**, the Common Council must consent to the Mayor’s appointments of members to the Board of Zoning Appeals under Article 3 of the City Charter;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the appointment of Paige Barnum to the Board of Zoning Appeals for a term of office to expire December 31, 2022.

\* Council Member Fahey spoke on the Resolution prior to passage

There being no 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, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough and Love,

Affirmative – O’Brien

Affirmative 12 Negative 0 Present 1

Council Member Flynn and Anane noticed Resolution 10.12.21R as follows, asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 10.12.21R**

**RESOLUTION OF THE COMMON COUNCIL HONORING THE LIFE AND LEGACY OF HENRY “HANK” LANDAU**

**WHEREAS**, Henry “Hank” Landau was born in Albany on June 10, 1929 to James C. Landau, Sr. and Maude Mayer Landau, and later graduated from Philip Schuyler High School in Albany; and

**WHEREAS**, during his Navy service in the Pacific Theater of World War II, Hank participated in two atomic bomb tests at Bikini Atoll in the Marshall Islands; and

**WHEREAS**, after the war Hank was a proud member of the Sheet Metal Worker’s Local Union #83 since 1948 and served on the Union’s Executive Board and Negotiating Committee, and, first, as the Union’s Business Representative beginning in 1960, before becoming Local #83’s President Business Manager in 1967; and

**WHEREAS**, Hank served in a large number of other trade and public service roles throughout his lifetime, including as Vice President of the Metropolitan Association of Sheet Metal Workers; Vice President of the New York State Council of Sheet Metal Workers; President of the New York State Union Label Service Trades; Secretary-Treasurer of the Tri-Cities Building & Construction Trades Council; Chairman of the Board of the Northeastern New York Safety & Health Council; Board Member and Chairman of the Albany Vocational Advisory Council; Board of Directors of the Northeastern New York Alliance of Business; Chairman of the Capital Region Business Promotion Plan; and Board of Directors of the Capital Region Technology Development Council; and

**WHEREAS**, Governor Mario Cuomo appointed Hank to serve on the New York State Public Works Advisory Board; and

**WHEREAS**, Hank was happily married to Carol Landau for 59 years and had five children: Lorelei, Wayne, Eric, Claudia, and Brian, as well as seven grandchildren: Aren, Leonor, Christina, Jennifer, Sarah, Katie, and Riley; and

**WHEREAS**, Henry “Hank” Landau passed away peacefully at the age of 91 on December 30, 2020, surrounded by his family; and

**WHEREAS** it is appropriate and fitting for this body to pause in its deliberations to recognize and honor the work and lifetime achievements of Henry “Hank” Landau;

\* Council Member Anane, O’Brien, Balarin, Flynn spoke on the Resolution prior to passage

*Resolution 10.12.21R was co-sponsored by Council Member Anane, Balarin, Conti, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love and O’Brien*

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

Council Member Kimbrough noticed Resolution 11.12.21R as follows, asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 11.12.21R**

**RESOLUTION OF THE COMMON COUNCIL ESTABLISHING STANDARD WORK DAYS FOR THE CHIEF CITY AUDITOR 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)
Chief City Auditor	Dorcey Applyrs	7.5	01/01/2020-12/31/2021	N	21.98

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

There being no 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, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love and O’Brien

Affirmative 13 Negative 0 Abstain 0

Council Member Anane noticed Resolution 1.11.21 (**RESOLUTION OF THE COMMON COUNCIL TO ENCOURAGING A COMMUNITY CONVERSATION ON CHANGES TO THE FLAG OF THE CITY OF ALBANY**) as follows, asked passage and a roll call vote thereon:

\* Council Member Anane, O’Brien, Frederick, Hoey, Balarin, Conti, Fahey and Johnson spoke on the Resolution prior to passage

*Resolution 1.11.21R was co-sponsored by Council Member Anane, Balarin, Conti, Fahey, Farrell, Flynn, Frederick, Hoey, Johnson, Kimbrough, Love and O’Brien*

There being no 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, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love and O’Brien

Affirmative 13 Negative 0 Abstain 0

Council Member Love noticed Resolution 2.11.21 (**RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO ENACT LEGISLATION THAT WOULD ALLOW ABSENTEE BALLOTS TO BE COUNTED EARLIER**) as follows, asked passage and a roll call vote thereon:

\* Council Member Love spoke on the Resolution prior to passage

*Resolution 2.11.21R was co-sponsored by Council Member Anane, Balarin, Conti, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love and O’Brien*

There being no 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, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love and O’Brien

Affirmative 13 Negative 0 Abstain 0

**President Pro Tem Kimbrough held the pending Resolution on the agenda for further consideration.**

**MISCELLANEOUS AND UNFINISHED BUSINESS:**

Majority Leader Ginnie Farrell 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, 2022, AND WAIVE THE READING OF THE NAMES:

<b>Employee Last</b>	<b>Employee First</b>	<b>Agency Name</b>	<b>Agency Address</b>	<b>City</b>	<b>State</b>
Zeoli	Frank	Department of General Services	1 Connors BLVD	Albany	NY
Bottieri	Jennifer	Albany County Clerk's Office	16 Eagle Street, Room 128	Albany	NY
Chabrier	Antonio		18 Sparkill Ave	Albany	NY

**COMMON COUNCIL COMMENTS:**

Council member Anane (Public Safety Matters)

**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 8:14 pm.

**MICHELE ANDRE**  
**Senior Legislative Aide to the Council**