

COMMON COUNCIL OF THE CITY OF ALBANY
SUPPORT LEGISLATION
FEBRUARY 1, 2021

RESOLUTIONS

- 12.21.21R RESOLUTION CALLING FOR THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO HONOR THE STOCKBRIDGE-MUNSEE MOHICAN NATION MURAL AGREEMENT**
- 13.21.21R A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF ONE FULL TIME POSITION AND THE CREATION OF ANOTHER, WHICH WILL AFFECT A SALARY TOTAL FOR THE 2021 BUDGET (OFFICE OF HUMAN RESOURCES)**
- 14.21.21R RESOLUTION OF THE COMMON COUNCIL REGARDING THE STATUS OF ANTHONY STREET AS A PORTION OF WESTLAND HILLS PARK**
- 15.21.21R A RESOLUTION TO HONOR BLACK HISTORY MONTH AND THE CONTRIBUTIONS OF AFRICAN AMERICANS AND DIRECTING THE MAYOR TO RAISE THE PAN-AFRICAN FLAG ON CITY HALL ANNUALLY IN SOLIDARITY**

Council Member Hoey, Conti, Doesschate, Fahey, Kimbrough, O'Brien introduced the following:

RESOLUTION NUMBER 12.21.21R

RESOLUTION CALLING FOR THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO HONOR THE STOCKBRIDGE-MUNSEE MOHICAN NATION MURAL AGREEMENT

WHEREAS, the original Albany International Airport was designed and built by the City of Albany; and,

WHEREAS, the Northway Exit 3 project that provided an access ramp to the Albany International Airport was built on land sacred to three Native American tribes whose ancestors inhabited the area centuries before; and

WHEREAS, Exit 3 is on the interstate highway system and was funded with federal money, which makes it subject to Federal Highway Administration (FHWA) oversight and federal regulations. This made the project subject to Section 106 of the National Historic Preservation Act, which requires federal agencies to take into account the effect any major undertaking would have on historic properties; and

WHEREAS, the New York State Department of Transportation (DOT) and FHWA determined the land was culturally significant to three federally recognized tribes – Stockbridge-Munsee, St. Regis Mohawk and Delaware, all of whom had ancestral connections to the area – and began negotiating a deal to allow the project to move ahead; and

WHEREAS, in 2014, Stockbridge-Munsee and St. Regis Mohawk representatives entered into an agreement with the state and federal transportation agencies. It called for the state to excavate the property for artifacts and consider displaying Native American imagery in the form of murals on the overpass. The murals would be displayed on the overpass's "wing walls," which are the retaining walls on either side of the structure; and

WHEREAS, the State developed plans for the Exit 3 site and in the years 2015 and 2016 the New York State Museum performed archaeological digs and discovered artifacts, including projectile points that perhaps date back as far back as 8,000 B.C. – more than 10,000 years ago; and

WHEREAS, DOT Regional Director Sam Zhou wrote, in an Oct. 7, 2016 letter, "Based on the results of this consultation, the NYSDOT is hereby committing to the Stockbridge Munsee Community Band of Mohican Indians to include the aesthetic treatment that will reference the Native-American heritage and culture on the flyover wing walls as part of the project"; and

WHEREAS, more than a year after Exit 3 opened in 2019, the murals are paid for and printed but have never been installed; and

WHEREAS, New York State is now trying to renegotiate the original agreement and does not want to place the murals on the overpass despite the objections of the Stockbridge-Munsee Nation; and

WHEREAS, there is a long history of agreements with Native Americans being ignored and not honored;

NOW, THEREFORE BE IT RESOLVED, that this Common Council of the City of Albany demands that New York State DOT honor the agreement to install the murals; and

BE IT FURTHER RESOLVED that we send this resolution asking that our state representatives, the Hon. Patricia Fahy, Hon. John McDonald, Hon. Philip Steck, Hon. Neil Breslin and our federal representatives Congressman Paul Tonko and Senator Charles Schumer and Senator Kristin Gillibrand pursue having the original agreement honored.

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: January 21, 2021

SPONSOR Hoey, Conti, Doesschate, Fahey, Kimbrough, O'Brien

RESOLUTION NUMBER 12.21.21R

TITLE

RESOLUTION CALLING FOR THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION TO HONOR THE STOCKBRIDGE-MUNSEE MOHICAN NATION
MURAL AGREEMENT

GENERAL PURPOSE OF LEGISLATION

Calling on the New York State Department of Transportation to honor the agreement.

FISCAL IMPACT(S)

NONE.

Council Member _____ introduced the following:

RESOLUTION NUMBER 13.21.21R

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF ONE FULL TIME POSITION AND THE CREATION OF ANOTHER, WHICH WILL AFFECT A SALARY TOTAL FOR THE 2020 BUDGET (OFFICE OF HUMAN RESOURCES)

WHEREAS, section 603(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary rate or salary total that occurs outside of those described in the duly adopted budget requires the approval of the Common Council; and

WHEREAS, the Human Resources Office has requested the elimination of the Human Resources Generalist 1 position, which will result in the following changes:

Eliminate	HR Generalist 1	A.1430.1600.7000	(\$36,419)
Decrease	(Salaries)	A.1430.1600.7000	\$36,419
	(Contingency)	A.1900.7448	\$22,287
		Total	\$58,706

and

WHEREAS, the Human Resources Office has also requested that such Human Resources Generalist 1 position be replaced with the creation of a Human Resources Generalist 3 position, which will result in the following changes:

Create	HR Generalist 3	A.1430.1600.7000	\$57,122
Increase	(Salaries)	A.1430.1600.7000	\$57,122
	(Social Security)	A.1430.1600.7801	\$1,584
		Total	\$58,706

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting salary totals due to the elimination of Human Resources Generalist 1 position and the creation of one additional Human Resources Generalist 3 position within the Office of Human Resources for the 2021 budget year.

To: Danielle Gillespie, City Clerk
From: Brett Williams, Senior Assistant Corporation Counsel
Re: Memorandum in Support of Legislation
Date: January 21, 2021

SPONSOR Council Member _____

RESOLUTION NUMBER 13.21.20R

TITLE

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF ONE FULL TIME POSITION AND THE CREATION OF ANOTHER, WHICH WILL AFFECT A SALARY TOTAL FOR THE 2021 BUDGET (OFFICE OF HUMAN RESOURCES)

GENERAL PURPOSE OF LEGISLATION

The Director of Human Resources has requested that the vacant Human Resources Generalist 1 position present in the office's budget for this year be changed to Human Resources Generalist 3 position, together with the concomitant increase in salary as soon as possible. Protected status, workplace violence, and general misconduct investigations will now be centralized in and completed by the Human Resources Office, which requires a more experienced employee than the current budgeted position.

NECESSITY FOR LEGISLATION AND CHANGE TO EXISTING LAW

Pursuant to section 603(D)(b) of the City Charter "any transfer of budgeted funds that affects any salary rate or salary total" requires the approval of the Common Council.

FISCAL IMPACT(S)

This change represents a difference of \$20,703.

Council Member O'Brien introduced the following:

RESOLUTION NUMBER 14.21.21R

RESOLUTION OF THE COMMON COUNCIL REGARDING THE STATUS OF ANTHONY STREET AS A PORTION OF WESTLAND HILLS PARK

WHEREAS, on December 22, 2020, the City of Albany Planning Board approved a site plan for the commercial development of 60 Colvin Ave which approval allows, for the first time, direct commercial access from 60 Colvin Ave to Anthony Street; and

WHEREAS, Anthony Street was created, simultaneously, on a City of Albany right of way, with the development of Westland Hills Park as an access to and from Westland Hills Park and has existed solely for that purpose for over the past five decades; and

WHEREAS, simultaneous with the creation of Anthony Street, a large concrete monument marking its location as the entrance to Westland Hills Park, was erected at the corner of Anthony Street and Colvin Ave. The entrance has never been marked with a sign as Anthony Street or marked with any sign as would a normal street be so marked; and

WHEREAS, on January 12, 2021, the Albany Common Council, through its leadership, notified the Albany Chief Planning Officer that the whole of Anthony Street is included as part of Westland Hills Park according to a map of Westland Hills Park which was submitted by the City of Albany to the New York State Department of Environmental Conservation in 2006 as part of an Environment Restoration Program grant application. (See Attachment One); and

WHEREAS, other documents regarding the creation of Westland Hills Park have been requested from the City of Albany and the Albany Hall of Records but have not been made available; and

WHEREAS, in order for parkland to be used by a non-public entity for a purpose other than parkland, a municipality must receive prior authorization from the New York State Office of Parks, Recreation and Historic Preservation in the form of legislation enacted by the New York State Legislature and approved by the Governor. That not having been done, the Albany Planning Board has no authority to grant commercial use of Anthony Street to the developer of 60 Colvin Ave (See Attachment Two); and

WHEREAS, the New York State Comptroller pursuant to the New York State Constitution Article V, Section 1 and New York State General Municipal Law Article 3 has the authority regarding the public trust of parkland and authority over enforcement of principles and procedures of municipal parkland alienation, having conducted audits and enforcement functions for that purpose; and

WHEREAS, the City of Albany Planning Board has issued a decision allowing a portion of a part of Westland Hills Park to be used for a commercial purpose without undertaking any of the formal park alienation process;

NOW THEREFORE BE IT RESOLVED, the Common Council requests that the New York State Comptroller review the process by which the City of Albany Planning Board has given access to a portion of Westland Hills Park for use by a private commercial development and undertake any necessary enforcement action to correct such violations of law as may exist; and

BE IT FURTHER RESOLVED, that the Albany City Clerk shall forward a copy of this Resolution to the Office of the New York State Comptroller with the referenced attachments thereto.

To: Danielle Gillespie, City Clerk

From: Council Member O'Brien

**Re: Common Council Legislation
Supporting Memorandum**

Date: January 20, 2021

SPONSOR Council Member O'Brien

RESOLUTION NUMBER 14.21.21R

TITLE

RESOLUTION OF THE COMMON COUNCIL REGARDING THE STATUS OF ANTHONY STREET AS A PORTION OF WESTLAND HILLS PARK

GENERAL PURPOSE OF LEGISLATION

To prevent the taking of any portion of Westland Hills Park for the purposes of allowing a commercial development on the neighboring land at 60 Colvin Ave absent proper procedures for park alienation.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

See body of text.

FISCAL IMPACT(S)

None.

Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, Robinson and with the Support of Council President Ellis introduced the following:

RESOLUTION NUMBER 15.21.21R

A RESOLUTION TO HONOR BLACK HISTORY MONTH AND THE CONTRIBUTIONS OF AFRICAN AMERICANS AND DIRECTING THE MAYOR TO RAISE THE PAN-AFRICAN FLAG ON CITY HALL ANNUALLY IN SOLIDARITY

WHEREAS, the origin of Black History Month began in 1926, over half a century after the Thirteenth Amendment abolished slavery in the United States, and grew out of “Negro History Week,” the creation of noted historian Dr. Carter G. Woodson and other prominent African Americans; and

WHEREAS, many African Americans lived, toiled, and died in obscurity, never achieving the recognition those individuals deserved, and yet paved the way for future generations to succeed; and

WHEREAS, Dr. Carter G. Woodson stated, “We have a wonderful history behind us. . . . If you are unable to demonstrate to the world that you have this record, the world will say to you, You are not worthy to enjoy the blessings of democracy or anything else.”; and

WHEREAS, the contributions of African Americans from all walks of life and their endeavors to learn and thrive throughout history and make unforgettable marks in our Nation as artists, scientists, educators, business people, influential thinkers, members of the faith community, athletes, and political and governmental leaders, reflects the greatness of the United States; and

WHEREAS, with the Civil Rights Movement and a growing awareness of black identity, Black History Month or National African American History Month evolved to an annual celebration of achievements by African Americans and a time for recognizing the central role of African Americans in U.S. history; and

WHEREAS, the Pan-African flag was designed to represent people of the African Diaspora, and as one scholar put it, to symbolize “black freedom, simple”. The Pan-African flag's colors each have symbolic meaning. Red stood for blood — both the blood shed by Africans who died in their fight for liberation, and the shared blood of the African people. Black represented black people. And green was a symbol of growth and the natural fertility of Africa; and

WHEREAS, the population of the City of Albany being 98,468 residents with 28.3 percent being African American;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Albany does hereby adopt this resolution to honor Black History Month and recognize the tremendous contributions made by African-Americans; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Albany, raise the Pan-African flag on City hall for the month of February annually in solidarity and recognition of Black History Month.

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: January 21, 2021

SPONSOR(S): Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, Robinson and with the Support of Council President Ellis

RESOLUTION NUMBER 15.21.21R

TITLE

A RESOLUTION TO HONOR BLACK HISTORY MONTH AND THE CONTRIBUTIONS OF AFRICAN AMERICANS AND DIRECTING THE MAYOR TO RAISE THE PAN-AFRICAN FLAG ON CITY HALL ANNUALLY IN SOLIDARITY.

GENERAL PURPOSE OF LEGISLATION

To honor Black History Month and the contributions of African Americans and to direct the Mayor to raise the Pan-African Flag on City Hall Annually in Solidarity.

FISCAL IMPACT(S)

None.