



## MINUTES OF A REGULAR MEETING THURSDAY, February 18, 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, Doeschate, Farrell, Fahey, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, and President Ellis.

\*Robinson was not present during roll call but joined the meeting in progress

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) Fred Pfeiffer, 124 North Pine, Albany, NY (Resolution 19.22.20)
- 2) Doug Bullock, Albany, NY (Resolution 19.22.20)

\*Written comments were read by the City Clerk for the record and received from:

1. Hannah Crodelle, 4 Shelbourne Dr, Loudonville, NY (Brogen Project)
2. Ann Kistler, 19 Crannell Ave., Albany, NY (Resolution 19.22.20)
3. Bill Ritchie, 196 Mount Hope Drive, Albany, NY (Resolution 19.22.20)
4. Ray Bromley, 7 Berkshire Blvd., Albany, NY (Resolution 19.22.20)
5. James Kaufman, PO Box 77, East Berne, NY (Resolution 19.22.20)
6. Charles K. Alexander, 207 Sheridan Ave., Albany, NY (Resolution 19.22.20)
7. Dorothy Trisman, 78 Kakely St., Albany, NY (Resolution 19.22.20)
8. Arthur Fleischner, 62 Michigan Ave., Albany, NY (Resolution 19.22.20)
9. Lawrence Wittner, 78 Kakely St., Albany, NY (Resolution 19.22.20)
10. Daniel Mosquera, 101 Fairlawn Ave., Albany, NY (Resolution 19.22.20)
11. Megan Ferry, 101 Fairlawn Ave., Albany, NY (Resolution 19.22.20)
12. Sandy Steubing, 44 Summit Ave., Albany, NY (Resolution 19.22.20)
13. D. Alan Curry, 101 S. Pearl St., Albany, NY (Resolution 19.22.20)
14. Bret Benjamin, 37 South Lake Ave., Albany, NY (Resolution 19.22.20)
15. Lana Cable, 41 Luther Rd, Saratoga Springs, NY (Resolution 19.22.20)
16. Angela Kaufman, 1438 Rt 9P, Saratoga Springs, NY (Resolution 19.22.20)

17. Linda LeTendre, 34 Greenfield Ave, Saratoga Springs, NY (Resolution 19.22.20)
18. Greg Giorgio, PO Box 74, Altamont, NY (Resolution 19.22.20)
19. Jose Cruz, 17 Holmes Dale, Albany, NY (Resolution 19.22.20)
20. Jordan F. Ferraro, 8 South Allen St. Albany, NY (Resolution 19.22.20)
21. Katherine Mules, 335 South Main Ave., Albany, NY (Resolution 19.22.20)
22. Susan DuBois, 24 Jeanette Street, Albany, NY (Resolution 19.22.20)
23. James Collins, 360 Partridge St., Albany, NY 12208
24. Ava DeSantis, 273 Kenwood Ave., Delmar, NY (Resolution 19.22.20)
25. Cas Farrugia, 45 Columbia St., Albany, NY (Resolution 19.22.20)
26. Colin Clark, 31 Elm Street, Albany, NY (Resolution 19.22.20)
27. John Davis, 9 Bogardus Rd. Albany, NY (Resolution 19.22.20)
28. Thomas Costello, 37 Melrose Ave., Albany, NY (Resolution 19.22.20)
29. Cari Gardner, 26 S Greenwood Ln., Albany, NY (Resolution 19.22.20)
30. Clayton Bradt, 72 Zabel Hill Rd, Feura Bush, NY (Resolution 19.22.20)
31. Keth Estes, 391 Madison Ave., Albany, NY (Resolution 19.22.20)
32. Candace Lider, 1501 Siver Rod, Guilderland, NY (Resolution 19.22.20)
33. Rev. Ibrahim Pedrinan, PO Box 13282, Albany, NY (Resolution 19.22.20)
34. Sean Collins, 300 3<sup>rd</sup> St., Albany, NY (Resolution 19.22.20)
35. Jonathan Flanders, 25 Mellon Ave., Albany, NY (Resolution 19.22.20)
36. Sheryl DeCrosta, 122 Thornton Street, Albany, NY (Resolution 19.22.20)
37. Pat Whalen, 626 Boght Rd., Cohoes, NY (Resolution 19.22.20)
38. Barbara Baxter, 255 Gorgetown Ct, Albany, NY (Resolution 19.22.20)
39. Jonathan Skinner, 363 Patridge St., Albany, NY (Resolution 19.22.20)
40. Paul Stasi, 10 S. Lake Ave., Albany, NY (Resolution 19.22.20)
41. Steve Zahurak, 1070 Day Road, Schenectady, NY 12303 (Resolution 19.22.20)

President Pro Temp Kimbrough made a motion to extend public comment period, motion was accepted and approved. Public comment period was extended (30 minutes) to allow for the reading of all the above public comment. Once the written comments were read for the record and 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 February 1, 2021 meeting of the Council, which was duly seconded, and APPROVED by unanimous voice vote.

## **CONSIDERATION OF LOCAL LAWS:**

**To:** Kelly Kimbrough, President Pro-Tempore  
**From:** Kathy Sheehan, Mayor  
Darius Shahinfar, Treasurer  
**Re:** Local Law B of 2021  
Message of Necessity  
**Date:** February 11, 2021

### **MESSAGE OF NECESSITY**

#### **REQUESTING IMMEDIATE PASSAGE OF LOCAL LAW B OF 2021 WITHOUT THE STATUTORY AGING PERIOD**

Under section 20(4) of the Municipal Home Rule Law, the Common Council may dispense with the usual aging requirement for a local law if "the mayor ... shall have certified as to the necessity for its immediate passage and such local law be passed by the affirmative vote of two-thirds of the total voting power of the legislative body."

We hereby certify that Local Law B of 2021, which will delay the imposition of interest on delinquent real property tax payments, requires immediate passage at the February 18, 2021 meeting of the Common Council. The COVID-19 pandemic has caused a significant financial strain on many City residents. Further late fees will be added to tax bills as of March 1, 2021. If Local Law B of 2021 is passed at the February 18 Council meeting, the Treasurer's Office will be able to tell residents with certainty that no interest will be imposed on top of such late payments until June 1, 2021.

Date: February 11, 2021

  
\_\_\_\_\_  
Kathy Sheehan, Mayor

  
\_\_\_\_\_  
Darius Shahinfar, Treasurer

Council Member Farrell noticed Local Law B of 2021 as follows, asked passage and a roll call vote thereon:

### **LOCAL LAW B OF 2021**

**LOCAL LAW AMENDING ARTICLE II (ASSESSMENT AND COLLECTION OF TAXES) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO DELAYING THE IMPLEMENTATION OF INTEREST ON DELINQUENT TAX BILLS DURING THE STATE OF EMERGENCY CAUSED BY THE COVID-19 PANDEMIC**

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

**Section 1.** Article II of Chapter 333 of Part II of the Code of the City of Albany is hereby amended by adding thereto a new Section 333-33.3 entitled, “Delayed imposition of interest on taxes and penalties during the COVID-19 pandemic,” to read as follows:

**Section 333-33.3. Delayed imposition of interest on taxes and penalties during the COVID-19 pandemic.**

- A. Pursuant to the authority granted in section 1910 of the New York State Real Property Tax Law, the City Treasurer is authorized to delay the implementation of interest on delinquent 2021 City tax bills and any penalties associated therewith until May 31, 2021.
- B. Pursuant to the authority granted in section 1910 of the New York State Real Property Tax Law, and upon passage of a local law authorizing the City Treasurer to do so, the City Treasurer is authorized to delay the implementation of interest on delinquent 2021 County tax bills and any penalties associated therewith until May 31, 2021.
- C. This section shall be deemed repealed on June 1, 2021.

**Section 2.** This local law shall take effect upon final passage, public hearing and filing with the Secretary of State, and shall remain in effect until June 1, 2021, upon which date it shall be deemed repealed.

\* Council Member Anane spoke on the Local Law prior to passage

*Local Law B of 2020 was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love and O’Brien*

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

Affirmative 14 Negative 0 Abstain 0

Council Member Anane noticed Local Law G of 2018 (**A LOCAL LAW AMENDING CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW PART 39 ENTITLED “ CITY OF ALBANY COMMISSION ON MUNICIPAL INTERNET SERVICE ” AND PROVIDING FOR THE RESPONSIBILITIES OF THE COMMISSION WITH RESPECT TO RESEARCHING THE LOGISTICS AND FINANCING OF A CITY OWNED HIGH SPEED INTERNET SERVICE. AND REQUIRING THE COMMISSION TO MAKE FINDINGS AND RECOMMENDATIONS TO THE MAYOR AND THE COMMON COUNCIL**

**REGARDING THE CREATION OF SUCH INFRASTRUCTURE)** as follows, asked passage and a roll call vote thereon:

\* Council Member Anane, Fahey, Hoey, Balarin, and Johnson spoke on the Local Law prior to passage

*Local Law G of 2018 was co-sponsored by Council Members Balarin, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, and O'Brien*

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, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, O'Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Conti noticed Local Law J – 2020 *As Amended* as follows, which was held for further consideration:

**LOCAL LAW J of 2020 (As Amended 02/11/2021)**

**A LOCAL LAW AMENDING ARTICLE XLIV (GENERAL PROVISIONS) OF PART 33 (COMMUNITY POLICE REVIEW BOARD) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF PART I OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE OPERATION OF THE CPRB**

**BE IT ENACTED by the Common Council of the City of Albany as follows:**

**Section 1.** Article XLIV (General Provisions) of Part 33 (Community Police Review Board) of Chapter 42 (Departments and Commissions) of Part I of the Code of the City of Albany is amended to read as follows:

**§ 42-332. Legislative findings; purpose.**

A. The Common Council hereby finds and declares that abuse of authority, incivility, rudeness, prejudice or discrimination based upon race, gender, color, national origin, economic status, religion, age, sexual orientation, marital or domestic partner status, or mental or physical ability has no place in the actions, customs, practices, policies or procedures of the City of Albany Police Department.

B. The Common Council further finds and declares that it is in the public interest of the City of Albany to have an independent mechanism to fairly review the conduct of law enforcement officials.

C. The Common Council further finds and declares that the conduct of law enforcement officials is subject to public, departmental and executive scrutiny and accountability.

D. The Common Council further finds and declares that an effective program to improve the relationship between the community and the Albany Police Department requires certain independent authority and power to review the handling of complaints of police misconduct.

E. The purpose of this Part 33 is to create an independent review body with respect to complaints of misconduct by officers of the Albany Police Department. The remedies created by this Part 33 are in addition to any others provided by common law or statute. Its goals are to improve communication between the Police Department and the community, to increase police accountability and credibility with the public and to create a complaint review process that is free from bias and informed of actual police practices.

### **§ 42-333. Definitions.**

For purposes of this Part, the following words and phrases shall have the meanings described in this section:

#### **ADMINISTRATIVE AGENCY**

The Agency responsible for administration of the CPRB pursuant a Request for Qualifications (RFQs), as described in §42-352.

#### **APD**

The City of Albany Police Department

#### **CHIEF**

The Chief of Police of the Albany Police Department.

#### **COMPLAINT**

A ~~written~~ statement concerning police conduct which is either submitted to the Community Police Review Board for filing with the Albany Police Department or filed directly with the Albany Police Department.

#### **CPRB**

The Community Police Review Board.

#### **GENDER**

Shall have the same meaning as set forth in section 48-25 (Definitions) of Article III (Omnibus Human Rights Law) of Chapter 48 (Equal Opportunity Protections) of this Code.

#### **~~GOVERNMENT LAW CENTER~~**

~~The Government Law Center of Albany Law School.~~

#### **MEDIATION**

A structured dispute resolution process in which a neutral third party assists the disputants by facilitating a nonbinding intervention.

#### **OFFICER**

Any sworn police officer of the City of Albany Police Department affected by an individual's complaint.

#### **PROFESSIONAL STANDARDS (OPS)**

The Professional Standards Unit of the City of Albany Police Department.

### **§ 42-334. CPRB establishment; appointment of members; funding.**

A. There is hereby established a Community Police Review Board (CPRB) comprised of nine members, five of whom shall be appointed by the Common Council and four of whom shall be appointed by the Mayor.

B. Members shall be appointed for three-year terms; provided, however, that:

(1) Of members initially appointed by the Common Council: one shall be for a term of one year; two shall be for a term of two years; and two shall be for a term of three years.

(2) Of members initially appointed by the Mayor: one shall be for a term of one year; one shall be for a term of two years; and two shall be for a term of three years.

C. No member of the CPRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment to the CPRB after one year of nonmembership.

D. Members shall continue to serve on the CPRB until their successors have been appointed.

E. Annually, the members of the CPRB shall elect from their membership a member to serve as Chair.

F. Upon submission to the Common Council, the annual proposed City of Albany operating budget shall include a separate appropriation to fund CPRB operations in an amount which is not less than one-percent of the total proposed budget of the Albany Police Department.

G. The Corporation Counsel shall advise and represent the Board as it would other public boards in accordance with applicable state and local law(s). Additionally, the CPRB may seek and retain separate legal counsel, whether on staff or contract, for any purpose otherwise authorized under this Part 33 in addition to utilization of the services of the Corporation Counsel at the CPRB's discretion.

H. The CPRB shall annually adopt an operating budget within amounts available which, upon adoption, shall be transmitted to the Mayor and members of the Common Council. All contracts for outside services (legal or other) shall be procured in accordance with applicable procurement requirements..

#### **§ 42-335. Removal of members; filling of vacancies.**

CPRB members may be removed [~~from the CPRB~~] at any time for cause by a [~~2/3~~] two-thirds vote of the Common Council. Any vacancy occasioned by resignation, death or removal of a member shall be filled within 60 days in the same manner as the predecessor to fill the unexpired term.

#### **§ 42-336. Qualifications of members.**

- A. Members of the CPRB shall reside in the City of Albany and possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service.
- B. The Common Council and the Mayor shall endeavor to reflect community diversity in their appointments, including income level, race, ethnicity, age, gender, sexual orientation and experience, and shall, in their appointments, solicit recommendations from the community. Officers (as defined in the City of Albany Charter), current employees of the City of Albany and the immediate relatives of officers and employees shall not be eligible for appointment.
- C. Members of the CPRB and their immediate family shall not be former employees of APD.

**§ 42-337. Quorum.**

Five members of the CPRB shall constitute a quorum. Five votes shall be required for any action.

**§ 42-338. Bylaws and rules.**

The CPRB, with the advice and assistance of the ~~Government Law Center~~ Administrative Agency, shall adopt, and the Common Council shall approve, rules and bylaws for the transaction of CPRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.

**§ 42-339. Training and orientation of members.**

The ~~Government Law Center~~ Administrative Agency shall coordinate and conduct training and orientation of CPRB members and recommend for adoption by the Common Council written standards for orientation of appointees and continuing training of all CPRB members. Completion of the orientation program concerning the goals, powers and procedures of the CPRB is required before a member may participate as a voting member. In addition, graduation from the Albany Police Department's Community Police Academy (the curriculum of which shall include training in the laws applicable to public record concerns, internal affairs investigations, confidentiality issues and liability statutes; training in police procedures; participation in ride-alongs; defensive tactics training; firearms familiarization; and emergency vehicle operations) within six months of the start of the member's term is required. Further, the ~~Government Law Center~~ Administrative Agency shall provide to CPRB members, and the members shall undergo, continuing education on issues related to the interaction between civilians and police officers from the perspectives of both the complainant and the police officer and shall additionally include a review and update of relevant federal and state statutory amendments and case law. Further, at least one member of the CPRB shall be designated to become a member of the National Association of Civilian Oversight of Law Enforcement, and at least one member shall attend its annual conference.

**§ 42-340. Recommendations, reports, data collection and analysis.**

A. The CPRB may make recommendations to the Common Council and the Mayor regarding police policies and practices relevant to the goals of community policing and the exercise of discretionary authority by police officers.

~~B. The Government Law Center Administrative Agency shall submit an initial evaluation of the process provided for in this Part 33, one year after the establishment of the CPRB.~~

~~C. B. The Government Law Center Administrative Agency, on behalf of the CPRB, shall file quarterly and annual reports with the Common Council and the Mayor which contain statistics and summaries of complaints, including a comparison of the CPRB's findings with the final determinations of the Department. The Government Law Center Administrative Agency shall contract with one or more local colleges, universities or research institutions to conduct surveys of complainants concerning the level of their satisfaction with the process and to conduct surveys of the community to get feedback concerning the CPRB and the Police Department. The results of those surveys shall be reported to the CPRB, the Chief and the Common Council. In addition, the Government Law Center Administrative Agency shall collect data concerning alleged offenses and offenders and report this data to the Chief. The Chief shall analyze and use the data concerning repeat alleged offenses and offenders to implement an "early warning system" to track repeat alleged offenses and offenders reported to CPRB and the Police Department.~~

~~D. C. The Chief shall issue a quarterly report to the CPRB on disciplinary investigations and action taken within the department and resolutions thereof. Such reports shall include both individualized information about specific cases and aggregate information. Additionally, the CPRB is authorized to request a report from the Chief on whether disciplinary action was taken in any specific case.~~

~~E. D. The CPRB may perform, or cause to be performed, an audit to assess the investigation and adjudication of civilian complaints.~~

#### **§ 42-341. Member responsibilities.**

CPRB members shall:

A. Maintain absolute confidentiality with respect to confidential or privileged information they receive and maintain a thorough knowledge of the legal protection accorded to police records, including the penalties imposed for violations.

B. Obey all laws respecting individuals' rights of privacy and confidentiality of records.

C. Not remove any Police Department, Professional Standards, personnel or other confidential files, records or tapes from City offices except as authorized under this article

D. Excuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.

E. Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality and integrity of the CPRB and refrain from making any prejudicial comments with respect to the CPRB, complainants or police officers.

F. Participate in orientation and training programs in accordance with § 42-339 of this Part.

**§ 42-342. ~~Filing of complaints~~ Initiation of Complaints.**

~~Complaints concerning police conduct shall be filed with the Police Department or submitted to the CPRB for filing with the Police Department as provided in this section. The CPRB may designate one or more locations for the submission of complaints for filing with the Police Department.~~

~~A. Complaints shall be lodged in writing using the City of Albany Police Department Complaint Form as approved by the CPRB for that purpose and shall be signed by the complainant. Complaint forms shall be printed in English and Spanish and shall be available at any City of Albany Police Department facility, the City Department of Administrative Services, the City Clerk's office and any other location designated by the CPRB.~~

~~B. A copy of each complaint submitted to the CPRB for filing with the Police Department shall be forwarded to the Police Department within two working days of its receipt; additionally, a copy of each complaint submitted to the Police Department (other than those submitted by the CPRB) shall be provided to the CPRB within two working days of receipt by the Department. Upon receiving a complaint, the CPRB shall notify the complainant of the City's mediation program established in accordance with § 42-346 of this Part 33.~~

~~C. Complaints shall be filed within [six months] 180 days of the date of the incident giving rise to the complaint. Complaints filed after [six months] 180 days of the alleged misconduct shall, however, be returned, or accepted and reviewed by the CPRB upon a majority vote of its members to do so. The complainant shall be notified by the Board of the decision as to whether the complaint be returned, or accepted and reviewed.~~

A. Complaints may be received directly by the CPRB, or upon referral from OPS, the Mayor, the Common Council, any Council Member, the City Clerk, or the Chief. Any complaint received and accepted by the CPRB shall be transmitted to OPS, and any complaint received and accepted by OPS shall be transmitted to the CPRB. Complaints shall be filed within 180 days of the date of the incident giving rise to the complaint.

B. The CPRB shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered whether submitted under signature or anonymous. Efforts to simplify the procedure shall be made to encourage filing. Professional standards of confidentiality with regard to the written release of information and informed consent shall apply to all complaints filed. With respect to the confidentiality of all interested parties, the CPRB shall comply with all local, state, and federal laws.

C. Before proceeding with the complaint process, the CPRB shall make the complainant aware of and provide a referral to organizations that advocate for people who have experienced police misconduct and can explain the process of the CPRB and other options that exist beyond the CPRBs jurisdiction.

D. The CPRB shall have full access to information about any officer involved in the events that are the subject of a complaint, including information about prior complaints involving that officer and any action taken in response to those complaints. It shall be within the discretion of the

CPRB whether to discuss in a public meeting, or include in the CPRB's findings, or otherwise make public, such information that is not otherwise subject to confidentiality standards.

E. When a complaint is filed, and OPS is in the possession of any audio or video footage pertaining to the incident (including, but not limited to, body camera footage and dashboard camera footage), OPS shall make such footage available for any members of the CPRB upon request. If OPS fails to make the footage available within fourteen days of the request, it shall forward a notice to the CPRB and the Common Council explaining the delay. Upon request of the CPRB, the Common Council may, after consideration, direct the release of such footage to the CPRB notwithstanding the requested delay. It shall be within the discretion of the CPRB whether to discuss in a public meeting, or include in the CPRB's findings, or otherwise make public, such information.

F. When a complaint is filed, the Chief or their designee and the CPRB shall, pursuant to §42-347, determine whether the mediation is appropriate.

#### **§ 42-343. ~~Review of complaints~~ Powers and Duties.**

~~Review of the complaint shall proceed as provided in this section.~~

~~A. Professional Standards shall investigate every complaint filed. The Chief shall file with the CPRB [~~quarterly~~] monthly reports on the status of the investigation of each complaint.~~

~~B. In the event that a complaint alleges the use of excessive force or a violation of civil rights, the definition of which shall include complaints pertaining to sexual orientation, the CPRB shall appoint an individual to:~~

~~(1) Observe and monitor the Professional Standards investigation of such complaint from the outset of the investigation; and~~

~~(2) Report to the CPRB and the Chief as to the conduct of the investigation. Such report may recommend additional witnesses whose statements should be taken, additional questions which should be answered and additional documents or other evidence which should be reviewed. Such report may cite deficiencies, if any, in the investigation, including whether the number of witnesses questioned by Professional Standards, the scope of the questions asked of them and the review of documents or other evidence was sufficient. The individual shall be selected on a rotating basis from the panel of investigators established in accordance with Subsection **H** of this section.~~

~~C. Professional Standards, with the advice and assistance of the Government Law Center, shall develop procedures and practices for the conduct of investigations of complaints, including procedures and practices for briefing and communicating with the appointed individuals referenced in Subsection **B** of this section. The Government Law Center shall periodically review and make recommendations to Professional Standards with regard to such procedures and practices.~~

~~D. Professional Standards shall begin its investigation of each complaint immediately upon receipt of the complaint. If Professional Standards fails to conclude its investigation within 60 days of receipt of the complaint, it shall advise the CPRB and the Common Council in writing of the status~~

~~of the investigation and the estimated time for the conclusion of the investigation. Thereafter, Professional Standards shall advise the CPRB and the Common Council in writing of the status of the investigation every 30 days until the conclusion of the investigation.~~

~~E. Within 10 working days of the conclusion of the Professional Standards investigation, the Chief of Police shall submit a preliminary report of the Department's findings to the CPRB.~~

~~F. After review and deliberation of the preliminary report of the Department's findings, the CPRB shall:~~

~~(1) Render its finding pursuant to § 42-344 of this Part 33; or~~

~~(2) Request that Professional Standards conduct further investigation of the complaint; or~~

~~(3) Obtain further case-specific information from the Chief, including written materials, audio or videotapes and related documents.~~

~~G. In the event that the CPRB is dissatisfied with the extent and/or the quality of the further investigation referenced in Subsection F(2) of this section, it shall promptly inform the Mayor, the Common Council, and the Chief, in writing, of the specific deficiency in the investigation. At that point, the Mayor and the Chief shall be responsible for reviewing the investigation in full to gather whatever additional information may be necessary to meet the requirements of the CPRB. The Mayor and the Chief shall have three weeks to respond to the CPRB. Such process shall allow the full force and authority of the Office of the Mayor, including the ability to compel employee testimony, to be provided on behalf of the CPRB. The Mayor and the Chief shall have three weeks to respond to the CPRB.~~

~~H. In the event that the CPRB is dissatisfied with the extent and/or the quality of the Mayor's and the Chief's review of the investigation, or does not receive a timely response in accordance with subsection G of this section, it shall promptly inform the Common Council, in writing, of the specific deficiency in the investigation. In such event, the CPRB may [seek authorization from the Common Council to] conduct[, on the Common Council's behalf,] an investigation with the services of an outside independent investigator. The investigator shall be selected on a rotating basis from a panel of investigators comprised of certified investigators, attorneys, retired judges and the like who are recommended by the Government Law Center and approved by the Common Council and the Mayor. The Government Law Center, the Common Council and the Mayor shall endeavor to reflect community diversity in this panel of investigators. The use of an outside independent investigator, however, shall be limited to complaints alleging use of excessive force or civil rights violations, the definition of which shall include complaints pertaining to sexual orientation. Outside independent investigators shall have access to the same information to which the CPRB shall have access. Furthermore, in the event that the CPRB is dissatisfied with the extent and/or the quality of the Mayor's and the Chief's review of the investigation of a complaint alleging the use of excessive force or the violation of civil rights, it may [request that the Common Council use its subpoena power pursuant to Article 4, Section 407, of the City Charter] issue subpoenas to call witnesses, up to and including APD employees, and victims, and require the production of documents for purposes of the CPRB's review of the extent and quality of the investigation. The~~

~~[Common Council] CPRB shall use its subpoena authority in a manner consistent with applicable legal requirements and appropriate safeguards for confidentiality and due process.~~

A. The CPRB shall have the power to conduct independent investigations as it deems warranted, even in the absence of a complaint being filed with either OPS or CPRB; the power to issue subpoenas to compel testimony and the production of evidence, and the power to discipline Officers if a complaint of misconduct is sustained subject to due process procedures and findings.

B. The CPRB shall establish a disciplinary matrix in conjunction with the Chief. Such matrix shall include clearly delineated penalty levels with ranges of sanctions which progressively increase based on the gravity of the misconduct and the number of prior sustained complaints. The CPRB, in consultation with the Chief, shall review the disciplinary matrix annually, and consider any recommended changes. The CPRB shall also seek input from the public while establishing and reviewing disciplinary matrices. The Chief shall decide the final version of the disciplinary matrix to be used after public input facilitated with the CPRB.

C. The CPRB shall periodically review and assess APD policies, procedures, patterns, practices and training and may recommend changes to the APD. Written acknowledgment of receipt of recommendations will be sent to the Chair of CPRB from the Chief within 60 days with a detailed listing of what items are and are not being implemented.

D. The CPRB and the Chief shall establish a cooperative relationship to ensure the orderly and efficient flow of information.

E. Accessibility.

1) The CPRB shall provide or arrange language access for limited- or non-English-proficient complainants and witnesses at all stages of the investigative and adjudicative process. Language access shall be available during all operating hours of the CPRB.

2) The CPRB shall provide reasonable accommodations in accordance with federal, state and local law to individuals with disabilities at all stages of the investigative and adjudicative process. Such accommodations shall be available during all operating hours of the CPRB and shall include but not be limited to: accessible means of egress, accessible means of communication via auxiliary aids or services giving primary consideration to preferences of the individual deserving such services, and access to ASL interpreters.

G. Investigation of complaints.

1) The CPRB may interview complainants, witnesses and APD officers, and gather relevant evidence. OPS shall provide the CPRB with written notice of the commencement of any investigation, and likewise, the CPRB shall provide the OPS with written notice of the commencement of any investigation.

2) The CPRB shall have the power to investigate any and all conduct, acts or omissions by any APD officer independent of any investigation conducted by OPS.

3) Subpoenas may be issued by the CPRB at any time during the review and adjudication processes. Such subpoenas may compel the attendance of witnesses, APD officers, APD employees, and/or persons, and require the production of records and other materials, including records of the APD, other persons or other agencies. A copy of any subpoena served upon an APD

officer or employee shall also be delivered to the Chief. CPRB subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules.

4) Upon receipt of a complaint, within the time frame allotted in accordance with any applicable police collective bargaining agreement, OPS shall provide to the CPRB its entire investigative case file related to the complaint. Thereafter, OPS shall send any newly acquired evidence to the CPRB within five business days of the acquisition of the evidence. If OPS makes any findings with respect to the complaint, they shall send all such findings to the CPRB within five business days.

5) One police officer holding the rank of Captain or higher shall be made available by the Chief to the CPRB at the CPRB's request to serve as a consultant or advisor should questions arise from members of the CPRB regarding specific police practices, policies, or general orders. The officer so assigned shall be neither from OPS nor the Commanding officer of the officer(s) involved in the case being reviewed.

6) A complainant may, at any time, decline to have their complaint investigated and reviewed by the CPRB. Such declination must be made in writing.

7) Statements made by complainants, APD officers or employees, or witnesses are subject to the CPRB's determinations of weight and credibility. Participation or lack of participation in the hearing process may be considered by the CPRB as one factor in their determination of credibility.

8) The Chief shall take no final action on a complaint, whether received directly by the APD or by the CPRB, until receipt of the CPRB's findings and decision, or notice that the CPRB has determined no disciplinary action is appropriate. Nonetheless, the Chief shall retain the authority to suspend an APD officer during the investigation and adjudication of a complaint against the APD officer, as well as the authority to impose any additional discipline for an Officer above and beyond that recommended by the CPRB. Any documentary information that the Chief discusses in public or with the media must be made available to the CPRB.

#### **§ 42-344. Findings of the CPRB.**

A. The CPRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the case:

(1) Sustained: where the review discloses sufficient facts to prove the allegations made in the complaint.

(2) Not Sustained: where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

(3) Exonerated: where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

(4) Unfounded: where the review shows that the act or acts complained of did not occur or were misconstrued.

(5) Ineffective Policy or Training: where the matter does not involve guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.

(6) No Finding: where, for example, the complainant failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew the complaint; or where the complainant is unavailable to clarify the complaint [~~]; or where the officer is no longer employed by the City~~].

B. If the CPRB fails to render a finding referenced above within 60 days of its receipt of the preliminary report of the Department's findings, the complaint file shall be returned to the Chief for disposition of the matter, unless the CPRB shall advise the Chief, the complainant and the affected officer in writing of the reason for the delay in rendering its finding. In such case, the CPRB shall provide the Chief, the complainant and the affected officer with monthly updates on the status of the complaint. In any event, if the CPRB fails to render a finding referenced above within 120 days of its receipt of the preliminary report of the Department's findings, the complaint file shall be returned to the Chief for disposition of the matter.

#### **§ 42-345. Final determination.**

At the conclusion of its review, the CPRB shall make its finding known to the Chief, the affected officer and the complainant within 30 days. The Chief of Police shall review the Department's preliminary report in light of the CPRB's finding and then make the Department's final determination known to the CPRB, the affected officer and the complainant. In the event that the Department's final determination is inconsistent with the CPRB's finding, the CPRB may request that the Chief provide a written explanation of the Department's final determination.

#### **§ 42-346. Mediation process.**

A. A mediation process shall be established and coordinated by the ~~Government Law Center~~ Administrative Agency in accordance with this section.

B. Mediation shall be conducted at no cost to the complainant or officer by highly trained and experienced mediators selected from a list compiled by the ~~Government Law Center~~ Administrative Agency and approved by the Common Council and the Mayor. The ~~Government Law Center~~ Administrative Agency, the Common Council and the Mayor shall endeavor to reflect community diversity in this list of mediators. The ~~Government Law Center~~ Administrative Agency shall develop an appropriate training curriculum which each mediator shall be required to complete. Each mediator shall be a graduate of the Albany Police Department's Community Police Academy. In addition, the ~~Government Law Center~~ Administrative Agency shall provide to the mediators, and the mediators shall undergo, continuing education on issues related to the interaction between civilians and police officers from the perspectives of both the complainant and the police officer.

C. Upon receipt of complaint, unless the case involves an allegation of excessive force, an alleged violation of civil rights or an allegation of criminal conduct against an officer, or the complaint is a result of an incident that involves an arrest, or if there was an injury to either party, or if there was property damage by an officer, the complaint will be considered appropriate for mediation.

D. An eligible complaint shall be reviewed for potential recommendation for mediation by the Board and by the Chief or his designee. Five members of the Board will be contacted by the

~~Government Law Center~~ Administrative Agency and a decision made as to appropriateness for mediation by a majority of those five members. A decision regarding mediation shall be made within two business days by both the Board and the Chief. If either the Board or the Chief finds a complaint inappropriate for mediation, then the matter shall be referred to OPS for investigation consistent with this article.

E. If the Board and the Chief recommend a complaint for mediation, both the complainant and the officer will have the option of electing to continue with the mediation process. If either party declines mediation, then the matter shall be referred to OPS for investigation consistent with this article.

F. If the parties agree to mediate, then the complaint will not be investigated by the Police Department regardless of the outcome of the mediation.

G. If the parties agree to mediate, the process shall follow the mediation protocols adopted by the CPRB.

H. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.

I. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.

J. In conducting the mediation, the mediators may not impose an outcome on the parties.

K. Mediation sessions shall be closed to the public. Matters discussed shall be confidential.

L. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by a subpoena to give testimony or produce anything related to the mediation.

M. Upon the completion of the mediation process, the CPRB shall issue a finding of "Mediated," and the allegations shall be deleted from the officer's CPRB history.

#### **§ 42-347. Meetings.**

A. The CPRB shall hold its first meeting within 30 days after a quorum of its members has completed the orientation program. At that meeting, the CPRB shall fix the time and place for its regularly scheduled meetings.

B. The CPRB may conduct both public and closed meetings as allowed or required by the Open Meetings Law.

C. The Chief shall designate a representative from Professional Standards to attend meetings of the CPRB and to provide information and advice to the CPRB. The representative shall not be viewed as a member of the CPRB.

D. Officers and complainants may attend meetings of the CPRB.

E. The ~~Government Law Center~~ Administrative Agency shall provide all staff services to the CPRB, including the maintenance of CPRB files and records. Furthermore, the ~~Government Law Center~~ Administrative Agency shall be responsible for the preparation of CPRB reports and review findings and recommendations referenced in this Part.

**§ 42-348. Suspension of proceedings.**

Upon the written recommendation of the Corporation Counsel, the Common Council [ø] and the Mayor concurrently may suspend the CPRB review of any complaint where a separate criminal investigation is underway or where a civil action against the City is underway or pending. Upon the conclusion of such separate proceedings, the CPRB may resume or undertake its review.

**§ 42-349. Information sharing.**

The CPRB shall forward, in writing, to the Chief any new case-specific information it obtains during the course of an investigation concerning an incident or practice subject to a complaint. Similarly, during the course of a CPRB review, the Chief shall forward to the CPRB, in writing, any new case-specific information the Chief obtains after the conclusion of the Professional Standards investigation and the submission of the Department's preliminary report to the CPRB referenced in § 42-343 of this Part concerning an incident or police practice subject to a complaint.

**§ 42-350. Community outreach.**

The CPRB, with the assistance of the ~~Government Law Center~~ Administrative Agency, shall inform the public about the CPRB and its duties. It shall develop and administer an ongoing program for the education of the public as to the mission and purposes of the CPRB process and the law established by this Part, which shall include the use of informational pamphlets and seminars.

**§ 42-351. Retention of administrative agency.**

In consultation with the CPRB and the Common Council, the Administrative Agency shall be retained pursuant to a request for qualifications (RFQ), periodically issued by the Corporation Counsel, to undertake the administrative functions of such agency as set forth in this Part 33. Such agency shall have the capacity to undertake legal and other research as necessary, development of administrative procedures, and statistical and report compilation in addition to such other functions set forth in this Part.

**§ 42-352. Construction of Part.**

The purposes of this Part favor resolution of ambiguity toward the goal of promoting public documentation and openness in the resolution of complaints of misconduct by police officers. This Part shall be deemed to supersede and repeal any and all provisions of local laws or local administrative orders which are inconsistent or conflict with any provisions of this Part. No report, finding or determination made pursuant to this Part shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the United States Constitution, the New York State Constitution or any federal or state law, rule, regulation or administrative order.

**§ 42-353. Severability.**

If any clause, sentence, paragraph, sections or part of this Part shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, sections or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 2. Until such time as an administrative agency for the Community Police Review Board is retained in accordance with Article XLIV (General Provisions) of Part 33 (Community Police Review Board) of Chapter 42 (Departments and Commissions of the Code of the City of Albany, as amended by section 1 of this local law, the Government Law Center shall continue to serve in such capacity and any contractual agreements shall be adjusted accordingly.**

**Section 3. This local law shall take effect upon final passage, public hearing, filing with the Secretary of State, and referendum, provided however that subsections (F) and (H) of Section 42-334 of Part 33 (Community Police Review Board) of the Code of the City of Albany as added by section 1 of this local law, shall take effect January 1, 2022, and provided further that the provisions of such subsection (F) shall be applicable to the City of Albany operating budget for fiscal year 2022, and provided further the CPRB in cooperation with the administrative agency may take such actions as necessary prior to any effective date to ensure the timely implementation of the provisions herein.**

Council Member Conti noticed Local Law M – 2020 *As Amended* as follows, which was held for further consideration:

**Local Law M of 2020 (as amended 2/18/21)**

**A LOCAL LAW AMENDING PART 4 (HISTORIC RESOURCES COMMISSION) OF ARTICLE XII (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE JURISDICTION OF THE HISTORIC RESOURCES COMMISSION TO REVIEW EMERGENCY ACTIONS RELATING TO LANDMARKS OR PROPERTY WITHIN HISTORIC DISTRICTS AND FURTHER PROVIDING FOR A REPORT ON EMERGENCY DEMOLITION AND STABILIZATION PROCEDURES**

**BE IT ENACTED by the Common Council of the City of Albany as follows:**

**Section 1. Subsection B of section 42-85 of Part 4 of Article XII of Chapter 42 of the Code of the City of Albany is amended by adding a new paragraph (13) to read as follows:**

- (13) Making recommendations to the Mayor and Common Council concerning emergency actions relating to landmarks or property within historic districts.

**Section 2. Part 4 of Article XII of Chapter 42 of the Code of the City of Albany is**

**amended by adding a new section 42-91 to read as follows:**

§ 42-91. Review of emergency actions.

- A. The Commission shall review orders for emergency actions relating to landmarks or property within historic districts after receiving notification pursuant to section 133-55 of this code.
- B. The Commission, in consultation with the Department of Buildings and Regulatory Compliance, shall prepare and submit an annual report to the Mayor and Common Council on or before April 1 of each year concerning emergency actions pursuant to section 133-55 of this code relating to landmarks or property within historic districts. Such report shall include, but need not be limited to, the following:

(1). The number and locations of emergency actions undertaken in the previous calendar year, including maps depicting locations within each historic district and the city as a whole;

(2). A description of the architectural and historic merit of landmarks or property within an historic district subject to an emergency action in the previous calendar year, the causes or factors contributing to such actions, and the effects of such action on surrounding buildings or structures;

(3). Recommendations, if any, to identify and encourage the stabilization of landmarks and property within historic districts, in order to prevent emergency actions.

**Section 3. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.**

**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 February 3, 2021 to review Ordinance 46.122.20 and Local Law G of 2018. The committee also met on February 16, 2021 to review Local Law M of 2020, Ordinance 21.92.20 and Ordinance 46.122.20.

**Capital Hills Golf Course Subcommittee:** Council Member O'Brien reported that the committee met on February 22, 2021 at 5:30PM to discuss golf course with Dept of General Services, Dept of Recreation and Golf Course Superintendent.

**Finance, Assessment and Taxation:** Council Member Farrell report the committee will meeting March 4, 2021 at 5:30PM to review Ordinance 44.122.20, Ordinance 45.122.20, and Resolution 13.21.21R. Ordinance 44.122.20 will close and discontinue Scott Street. If approved, Scott Street would be sold to South End Development for inclusion in the development of the Seventy-Six project. Ordinance 45.122.20 is to sell Scott Street to South End Development, LLC for inclusion

in the development of the Seventy-Six project. Resolution 13.21.20R 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. The Committee will also get an update on City finances by City Treasurer Darius Shahinfar and Budget Director Michael Wheeler.

**Council Operations and Ethics:** Council Member Conti will meet March 16, 2021 at 5:30PM to review Local Law L of 2020 and Local Law A of 2021. Local Law L of 2020 amends a provision of the Charter to place a requirement that candidates for Common Council be an elector and resident of the ward for a minimum of 365 days before taking office. Local Law A of 2021 provides that elections for city elective office shall be held on a nonpartisan basis. The Committee will also meet March 23, 2021 at 5:30PM to review Local Law F of 2019. Local Law F of 2019 enacts a comprehensive ethics law for the City of Albany.

**Housing and Community Development:** Council Member Doesschate reported that the Committee will be meeting on the community block grants (year 47 HUD funding) on March 9<sup>th</sup>, at 5:30 PM, and will hold a joint hearing with the Albany Community Development Agency (ACDA) on March 31, 2021 at 5:30 PM to hear any potential appeals to the preliminary awards and consider Resolution 20.22.21R (MC) and announce year 47 CDBG /HOME/ESG awards. An additional meeting has been scheduled for April 7, 2021 at 5:30PM in case the Committee does not finalize action on Resolution 20.22.21R (MC) and the awards at its March 31, 2021 meeting

**Public Safety:** President Pro Tem Kimbrough reported that the committee met on February 8, 2021 at 5:30PM to review Local Law J of 2020 *As Amended* and the City of Albany's Police Reform & Reinvention Collaboration Recommendations. The Committee will meet March 2, 2021 at 5:30PM and March 8, 2021 at 5:30PM to review the City of Albany's Police Reform & Reinvention Collaboration Recommendations.

### **CONSIDERATION OF ORDINANCES**

Council Member Conti **WITHDREW** Ordinance 42.112.18 (**AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NEW CONSTRUCTION IN R-T TOWNHOUSE DISTRICTS**) as follows, which was previously held.

Council Member Conti noticed Ordinance 21.92.20 *As Amended* as follows, which was held for further consideration:

#### **ORDINANCE 21.92.20 (as amended 2/18/21)**

**AN ORDINANCE AMENDING ARTICLE IX (BUILDING CONSTRUCTION REGULATION) AND ARTICLE XIA (VACANT BUILDING REGISTRY) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMERGENCY BUILDING ACTIONS RELATING TO LANDMARKS OR PROPERTY IN HISTORIC DISTRICTS**

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

**Section 1. Section 133-55 of Article IX of Chapter 133 of the Code of the City of Albany is amended by adding new subsections E and F, to read as follows:**

E. Demolition of a landmark or property located within an historic district shall only be used as a last resort when no other method will serve to protect the occupants or the public from a direct hazard or immediate danger. In the event that the Commissioner shall order a demolition under this section to a landmark or property located within an historic district, the Commissioner shall make a reasonable attempt to notify the property owner prior to the demolition. The notification shall in no way impair the ability of the Commissioner to demolish the building or structure.

F. Whenever an action is taken or proposed to be taken under this section in relation to a landmark or property within an historic district, the Commissioner shall provide timely notification of the order for such action to members of the Historic Resources Commission. At the earliest time possible, and to the extent practicable, the Commissioner shall additionally provide the following information related to the emergency action:

(1). A description of the premises;

(2). A structural engineering report, which shall include a statement of the particulars in which the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety;

(3). A detailed statement of all work to be done to comply with the order;

(4). A timetable for completion of all phases and aspects of the work;

(5). A site plan of the property or map indicating the area of the proposed stabilization or demolition showing all affected buildings and/or structures on the site;

(6). Photographs of existing conditions, including any building facades and architectural features visible from the public right-of-way, as well as photographs of the adjacent parcels. Photographs should be digital (minimum 10 megapixel resolution), clear, and include overall photographs as well as close-up photographs of significant exterior architectural elements;

(7). Prior code violations and building maintenance history, to the extent such information is available; and

(8). A description of any salvageable historic materials within or on the building structure to be demolished, to the extent such information is available.

**Section 2. Section 133-78.6 of Article XIA of Part 2 of Chapter 133 of the Code of the City of Albany is amended to read as follows:**

§ 133-78.6. Quarterly reports.

The chief building official shall submit a quarterly report not later than January 15, April 15, July 15 and October 15 of each year to the Mayor ~~and~~, Common Council, Planning Board and Historic Resources Commission containing not less than the following information:

A. The number of buildings in the City declared vacant in each category set forth in § ~~133-~~

~~78.3E(2)~~ 133-78.3(H) under the provisions of this article; and

B. The number of vacant building registrations filed or annually renewed with the Department of Buildings and Regulatory Compliance within each category.; and

C. The number of vacant building registrations in each category set forth in § 133-78.3(H) by historic district, both by individual district and total for all such districts; and

D. The number of vacant buildings in each category set forth in § 133-78.3(H) which have been subject to an emergency demolition or stabilization order in accordance with section 133-55 of this chapter, including the number of such emergency actions by historic district for the reporting quarter and in the preceding quarter, both by individual district and total for all such districts.

**Section 3. This ordinance shall take effect thirty (30) days after its enactment.**

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

### **CONSIDERATION OF RESOLUTIONS**

Council Member Conti, Balarin, Doeschate, Fahey, Flynn Frederick, Hoey, Igoe, Kimbrough, O'Brien noticed Resolution 17.22.21R as follows, asked passage and a roll call vote thereon:

#### **RESOLUTION NUMBER 17.22.21R**

#### **RESOLUTION OF THE COMMON COUNCIL SUPPORTING AN AMENDMENT TO TITLE 6 OF ARTICLE 5 OF THE NEW YORK STATE PUBLIC AUTHORITIES LAW IN RELATION TO THE ALBANY MUNICIPAL WATER FINANCE AUTHORITY AND ALBANY WATER BOARD**

**WHEREAS**, Title 6 of Article 5 of the New York State Public Authorities Law established the Albany Municipal Water Finance Authority and the Albany Water Board; and

**WHEREAS**, the Albany Municipal Water Finance Authority and the Albany Water Board are responsible for the management and financing of Albany's water system and delivery of services to the residents of the City of Albany; and

**WHEREAS**, this is a significant responsibility which has been delegated by state law to such entities; and

**WHEREAS**, the Albany Municipal Water Finance Authority consists of seven members, five appointed by the Mayor of the City of Albany and two by the Governor of the State of New York upon nomination by the Mayor; and

**WHEREAS**, the Albany Water Board consists of five members appointed by the Mayor; and

**WHEREAS**, appointment to these boards are by unilateral action not subject to review and confirmation by the Albany Common Council as the governing body of the City of Albany; and

**WHEREAS**, the current appointment procedure diminishes oversight of these boards and weakens accountability; and

**WHEREAS**, under various state and local laws it has become common practice for mayoral appointments to various boards, commissions and authorities to be subject to confirmation by the Common Council; and

**WHEREAS**, under the Albany City Charter the Common Council also has confirmation authority over Mayoral appointments of various department heads;

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany Common Council finds and declares that its lack of authority to confirm appointments to the Albany Municipal Water Finance Authority and the Albany Water Board diminishes its ability to exercise adequate and appropriate oversight over the activities and operations of these boards and such lack of authority diminishes accountability; and

**BE IT FURTHER RESOLVED**, that the Albany Common Council calls upon the State Legislature to amend existing law to establish the authority of the Common Council to confirm mayoral appointments to these boards; and

**BE IT FURTHER RESOLVED**, that to the extent such amendment requires a home rule request by the Albany Common Council, such request shall be adopted upon introduction of appropriate legislation in the State Senate and State Assembly; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution, suitably engrossed, be transmitted to State Senator Neil Breslin and Assembly Members Patricia Fahy and John McDonald.

*Resolution 17.22.21R was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, and O'Brien*

There being no further discussion, President Ellis called for a voice 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, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, O'Brien and Robinson

Affirmative 14 Negative 0 Present 0

Council Member Fahey on behalf of the Planning, Economic Development and Land Use Committee noticed Resolution 18.22.21R as follows, which was held for further consideration:

**RESOLUTION NUMBER 18.22.21R**

**RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE REAPPOINTMENT OF JEFFREY SPERRY AS A MEMBER AND THE CHAIRPERSON OF THE ALBANY PARKING AUTHORITY**

**WHEREAS**, the Mayor of the City of Albany has, pursuant to the provisions of Section 1493-c of the Public Authorities Law of the State of New York reappointed Jeffrey Sperry as a member and the Chairperson of the Albany Parking Authority;

**NOW, THEREFORE, BE IT RESOLVED** that Jeffrey Sperry be confirmed as a member and the Chairperson of the Albany Parking Authority for a five (5) year term of office to expire January 2, 2026.

President Pro Tem Kimbrough referred Resolution 18.22.21 to the Planning, Economic Development and Land Use Committee for further consideration.

Council Member Hoey, Anane, Balarin, and Farrell noticed Resolution 19.22.21R as follows, asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 19.22.21R**

**RESOLUTION CALLING FOR THE ENFORCEMENT OF THE CITY OF ALBANY'S CODE PART I: ADMINISTRATIVE LEGISLATION / LABOR ARTICLE V STRIKEBREAKERS**

**WHEREAS** the nurses at Albany Medical Center voted to unionize over two years ago; and

**WHEREAS** there has been no movement in contract negotiations, which Albany Medical Center management hopes will break the nurses' union; and

**WHEREAS** the nurses are exhausted by their effort to keep their patients alive during the Covid-19 pandemic; and

**WHEREAS** the nurses, seeing no movement at the negotiations table, called a 24-hour strike on December 1, 2020; and

**WHEREAS** Albany Medical Center Management hired hundreds of strikebreaker replacement nurses and locked its own nurses out for the following two days, thereby preventing its own nurses from caring for their patients; and

**WHEREAS** the City of Albany New York has on its books an anti-strikebreaking law; and

**WHEREAS** Section 62-5 of the law states: “Purpose. No person, partnership, agency, firm or corporation, or officer, employee or agent thereof, shall recruit, procure, supply or refer any person for employment who customarily and repeatedly offers himself for employment in place of any employee involved in a labor dispute in which such person, partnership, agency, firm or corporation is not directly involved”; and

**WHEREAS** Section 62-6 of the law states: “Prohibited employment of strikebreakers. No person, partnership, firm or corporation involved in a labor dispute shall, directly or indirectly, employ in the place of an employee involved in such dispute any person who customarily and repeatedly offers himself for employment in the place of employees involved in a labor dispute or contract or arrange with any other person, partnership, agency, firm or corporation to recruit, procure, supply or refer persons for employment who customarily and repeatedly offer themselves for employment in place of employees involved in such labor dispute”; and

**WHEREAS** Section 62-7 of the law states: “Unlawful to employ replacements. No person who customarily and repeatedly offers himself for employment in place of employees involved in a labor dispute shall take or offer to take the place in employment of any employee involved in a labor dispute”; and

**WHEREAS** Section 62-8 of the law states: “Penalties for offenses. Any person, partnership, agency, firm or corporation, or any officer, employee or agent thereof, who or which shall violate any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment by a fine of not more than \$1,000 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment”;

**NOW, THEREFORE BE IT RESOLVED**, that this Common Council of the City of Albany expresses its strong displeasure with Albany Medical Center Management at the apparent lack of good faith in its negotiations with the Nurses Union and strongly urges the City of Albany, New York enforce its law code and prosecute Albany Medical Center Management for violation of City Law; and

**BE IT FINALLY RESOLVED**, that Albany Medical Center release to this Council information regarding the number of the strikebreaking nurses it hired, what it paid these strikebreakers.

\* Council Member Hoey, Farrell, Balarin, Frederick, O’Brien, Kimbrough, Anane spoke on the Resolution prior to passage

*Resolution 19.22.20 was co-sponsored by Council Members Doesschate, Fahey, Frederick, Kimbrough, and Robinson*

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, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, O’Brien and Robinson

Affirmative 13 Negative 0 Present 0

President Pro Tem Kimbrough made a motion, which was duly seconded, requesting Majority Consent to add Resolution 20.22.21R and Resolution 21.22.21R to the agenda. There being no discussion, the motion was adopted by voice vote.

Council Member Doesschate on behalf of the Housing and Community Development Committee noticed Resolution 20.22.21R (MC) as follows, which was held for further consideration:

**Resolution Number 20.22.21R (MC)**

**RESOLUTION DESIGNATING THE MAYOR TO ACT AS OFFICIAL REPRESENTATIVE OF THE CITY OF ALBANY TO SUBMIT ANNUALLY TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THE “ANNUAL ACTION PLAN”, AND AMENDMENTS THERETO, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**WHEREAS**, the Congress of the United States established the Community Development Block Grant Program; and

**WHEREAS**, the Albany Community Development Agency has prepared the Annual Action Plan for the Community Development Block Grant Program Year 47 in accord with public hearings held on March 9, March 31, and April 7, 2021; and

**WHEREAS**, pursuant to Sec. 570.303 of the Code of Federal Regulations, a grantee of a Community Development Block Grant must certify that its governing body has duly adopted a resolution authorizing a person to act as its official representative to submit the Action Plan, amendments thereto, and all understandings and assurances thereto, and authorizing the persons identified as the official representative of the grantee to act in connection with the submission of the Action Plan and to provide such additional information as may be required;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council hereby authorizes the Mayor to act as the City of Albany’s official representative for the purpose of submitting the said Action Plan and all necessary understandings, assurances and amendments thereto; and

**BE IT FURTHER RESOLVED**, that the Common Council hereby adopts the Action Plan for the Community Development Block Grant Program Year 47 as prepared by the Albany Community Development Agency, together with and including all understandings and assurances required thereby.

Section 1. The Financing Agreement is hereby authorized to be amended to add the Project described on Schedule A to this Resolution.

Section 2. The members and officers of the City are hereby authorized and directed for and in the name and on behalf of the City to do all acts and things required and to execute and deliver all such additional certificates and instruments and to do all such further acts and things as

may be necessary or in the opinion of the member or officer acting, desirable and proper to effect the purposes of the foregoing Resolution, and the issuance of the bonds, notes or other Obligations of the Authority in furtherance of the Project contemplated by the amendment of the Financing Agreement is hereby approved.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

President Pro Tem Kimbrough referred Resolution 20.22.21R (MC) to the Housing and Community Development Committee for further consideration.

Council Member O'Brien noticed Resolution 21.22.21R (MC) as follows, asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 21.22.21 (MC)**

**A RESOLUTION OF THE CITY OF ALBANY'S COMMON COUNCIL  
CONDEMNING THE HATE-FILLED AND RACIST ATTACKS ON THE COUNCIL OF  
ALBANY NEIGHBORHOOD ASSOCIATIONS – CANA**

**WHEREAS**, the Council of Albany Neighborhood Associations (hereinafter "CANA") is a nonpartisan federation of neighborhood associations and community organizations, and is involved in all matters which involves the quality of life of its constituents; and

**WHEREAS**, the African American Cultural Center of the Capital Region (hereinafter "AACCCR") is a nonprofit organization committed to educating, enriching, and empowering residents of the Capital Region through a variety of educational, cultural and performing arts, programs, activities, and exhibits that promote awareness and raise the collective consciousness of all ethnicities to the rich and vibrant history, contribution, and culture of African Americans.; and

**WHEREAS**, the Rapp Road Historical Association (hereinafter "RRHA") is a nonprofit organization that represents the Rapp Road Historic District, which is cluster of 23 homes built by African Americans who migrated predominantly from Shubuta Mississippi as part of the Great Migration; and

**WHEREAS**, on Wednesday, February 3, 2021, CANA convened virtually to recognize and celebrate the importance of African American History Month; and

**WHEREAS**, the AACCCR and RRHA were invited to CANA's monthly meeting as featured presenters; and

**WHEREAS**, the presentations for African American History Month were interrupted by several unwarranted individuals, who proceeded to disrupt the meeting with hate speech, racial epithets, and other content that was extremely offensive to the meeting attendees; and

**WHEREAS**, the Albany Common Council condemns the heinous actions of these unwarranted individuals in the strongest terms; and

**WHEREAS**, the Albany Common Council reaffirms that racism and hate speech have no place in the City of Albany; and

**NOW THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby stands in strong support and solidarity with CANA, AACCCR, RRHA, and all other individuals that were directly affected by this unfortunate and devastating incident.

\* Council Member O'Brien spoke on the Resolution prior to passage

*Resolution 21.22.21R (MC) was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, O'Brien and Robinson*

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

Council Member Kimbrough **WITHDREW** Resolution 4.12.20R (**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY CALLING ON THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO NOT MAKE DRASTIC CUTS TO MEDICAID**) as follows, which was previously held.

**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:**

Employee Last	Employee First	Agency Name	Agency Address	City	State	Zip
Moretoni	Daniel		92 Chestnut Street	Albany	NY	12210
Adriance	Tom	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207
Joseph	Kadesha	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207
Johnson	Iris	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207
LaJoy	Richard	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207
Scott	Valerie	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207

Kimble	Monique	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207
VanAlstyne	Ashley	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207
VanSchoick	Harold	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207
Gold	Joshua	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207
Sherman	Daniel	Department of Buildings	200 Henry Johnson Blvd	Albany	NY	12207

**COMMON COUNCIL COMMENTS:**

Common Member Johnson (Lost Warren Mackey and Victor Cain)  
Council Member Igoe (Responded to Council Member Johnson’s Comments)  
Common Member Hoey (Council 82 Letter)  
Council Member Doesschate (Echo’s Council Member Johnson’s Comments)  
Council President Ellis (Spoke on the memory of Warren Mackey & Victor Cain and Responded to Council Member Hoey’s Comments)  
Council Member O’Brien (Council 82 Pay Increase)  
President Pro Tem Kimbrough (Intend to Meet With Council 82)  
Council Member Igoe (Amended Legislation)

**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 8:54pm.

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