CITY OF ALBANY COMMON COUNCIL  
MINUTES OF A REGULAR MEETING  
MONDAY, August 6, 2018  


Staff Present: Gerald Campbell, Marisa Franchini, Michele Andre  

The roll being called, the meeting was called to order by President Ellis at 7:00 pm; Council Members recited the Pledge of Allegiance followed by a moment of silence.  

Public Comment Period  

The following members of the public spoke:  

1). Marlon Anderson, 216 Lark Street, Albany, NY (State of the City and Issues of Urban City)  
2). Marc Gronich (Channel Albany)  
3). Marguerite Rita Marsh, 700 Central Ave– (Thank you to Council Applyrs and Johnson)  
4). Alana Klein, 29 Glenwood Street, Albany, NY (Channel Albany)  
5). Charles “Obar” Robinson, 404 Livingston, Albany, NY (Marijuana)  

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

Approval of Minutes  

There were no prepared minutes for approval.  

Consideration of Local Laws  

Council Member Conti noticed introduction of LOCAL LAW F - 2018 as follows:  

LOCAL LAW F-2018  

A LOCAL LAW AMENDING ARTICLE XLVII (GENERAL PROVISIONS) OF PART 36 (HUMAN RIGHTS COMMISSION) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATIONS TO TERMS OF APPOINTMENT TO THE HUMAN RIGHTS COMMISSION  

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

Section 1. Subsection C of section 42-362 (Establishment; appointment of members) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is hereby amended to read as follows:  

C. No member of the Commission shall serve for a period which exceeds two consecutive three-year terms [or six years]; provided, however, that a member may be considered for reappointment to the Commission after one year of nonmembership; and, provided
further, that appointment to fill a vacancy in an unexpired term shall not apply to the limitations in terms of service otherwise applicable under this subsection.

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

President Pro Tem Conti referred LOCAL LAW F - 2018 to the Human Resources and Human Rights Committee for further consideration.

Reports of Standing and Ad Hoc Committees

Planning, Economic Development and Land Use: Council Member Fahey reported that the Committee met on July 18, 2018 to consider Ordinance 32.62.18 and Resolution 50.71.18R. The Committee favorably reported out Resolution 50.71.18R confirming the appointment of Erin Tobin as a member of the Historic Resource Commission and held Ordinance 32.62.18 relating to methadone dispensaries pending amendment and further discussion.

Public Safety: Council Member Applyrs reported the Committee will meet on August 8, 2018 to review Resolution 46.62.18R (MC) waving fees against the New York State Poor People’s Campaign. The Committee will also meet on August 21, 2018 to review Resolution 66.81.18R confirming the appointment of Eric Hawkins as Chief of the Albany Police Department. Council Member Applyrs also noted that there would be a Special Meeting of the full Council following the August 21, 2018 Public Safety meeting to vote on Resolution 66.81.18R.

Consideration of Ordinances

Council Member Igoe moved to amend Ordinance 30.51.18, which had been previously introduced, as follows, and as amended requested passage and a vote thereon:

ORDINANCE NUMBER 30.51.18 (As Amended)

AN ORDINANCE REPEALING ARTICLE XIA (VACANT BUILDING REGISTRY) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY AND ENACTING A NEW ARTICLE XIA THERETO TO BE ENTITLED: “VACANT BUILDING REGISTRY”

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

Section 1. Article XIA of Part 2 of Chapter 133 of the Code of the City of Albany is REPEALED, and a new Article XIA is added thereto to read as follows:

Article XIA
Vacant Building Registry

§ 133-78.1. Legislative findings and purpose.

It is the finding of the Common Council that vacant buildings, by nature of their vacancy, impose disproportionate costs on the neighborhoods in which they are located and on the City of Albany at large. The purpose of this article is to provide City personnel with the knowledge they need to
mitigate these costs and incentivize the owners of vacant buildings to rehabilitate and return them to occupancy.

§ 133-78.2. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

CHIEF BUILDING OFFICIAL
The person so designated by the Mayor, which is generally the Commissioner of Buildings and Regulatory Compliance, or in the absence of such Commissioner the Director of the Department of Buildings and Regulatory Compliance.

ENFORCEMENT OFFICER
A duly authorized representative of the Department of Fire and Emergency Services or the Department of Buildings and Regulatory Compliance.

OWNER
Those shown to be the owner or owners on the records of the City of Albany Department of Assessment and Taxation, those identified as the owner or owners on a vacant building registration form, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligations for compliance with the provisions of this article.

VACANT BUILDING
Any building in which no occupant lawfully resides or no tenant is in lawful possession, or any building otherwise not being used for any lawful occupancy.

§ 133-78.3. Vacant building registration.

A. An owner of a vacant building shall register such building with the Department of Buildings and Regulatory Compliance immediately and renew said registration annually thereafter until the building is no longer vacant.

B. The registration shall be submitted on forms provided by the Department of Buildings and Regulatory Compliance and shall include the following information supplied by an owner:

1. The property address;
2. The tax map identification (section, block and lot) number associated with the parcel improved by the building or structure;
3. The names, addresses, email addresses, and telephone numbers of all owners;
4. The name, address, email address, and telephone number of a person who resides in Albany County or an adjoining county and who has the authority to act on the owner’s behalf regarding the property in the event of an emergency;
5. The names and addresses of all known lienholders and all other parties with an ownership interest in the building, and a statement indicating whether the property is the subject of any mortgage or tax foreclosure;
(6) A statement as to whether the owner intends or owners intend to rehabilitate and reoccupy the building, or if not, a statement as to how the owner intends or owners intend to dispose of the property;

(7) If the owner is a corporate entity, including but not limited to a corporation, limited liability corporation, professional limited liability company, or limited liability partnership, the name, address, email, and telephone number of an agent responsible for maintenance of the property, at least one active officer, partner and/or member of such entity, the registered address for the entity, and the state in which the entity is registered; and

(8) Proof of property insurance. This requirement may be waived by the Chief Building Official upon a showing by the applicant that such insurance is not available for the subject property.

C. As a condition of registration, all applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer of any changes in information supplied as part of the vacant building registration within 30 days of the change.

D. A new owner shall register or re-register a vacant building with the Enforcement Officer within 30 days of any transfer of an ownership interest in a vacant building.

E. Vacant building registration fees.

(1) The owner of a vacant building shall pay an annual fee as set forth in paragraph (2) of this subsection for the period the building remains a vacant building.

(2) Fee schedule:

(a) for residential buildings of one to three units:

(i) for the first year, $250,
(ii) for the second year, $500,
(iii) for the third year, $750,
(iv) for each subsequent year, $1,000.

(b) for residential buildings of four to six units, and mixed commercial and residential buildings of two to three residential units:

(i) for the first year, $500,
(ii) for the second year, $1,000,
(iii) for the third year, $1,500,
(iv) for each subsequent year, $2,000.

(c) for residential buildings of seven or greater units, and mixed commercial and residential buildings of four or greater units:

(i) for the first year, $1,000,
(ii) for the second year, $2,000,
(iii) for the third year, $3,000,
(iv) for each subsequent year, $4,000.

(d) for non-residential buildings, the greater of:

(i) for the first year, $1,000 or $.05 per square foot,
(ii) for the second year, $2,000 or $.10 per square foot,
(iii) for the third year, $3,000 or $.15 per square foot,
(iv) for each subsequent year, $4,000 or $.20 per square foot.

(3) The vacant building shall be registered prior to the issuance of any building permits, with the exception of a demolition permit.

(4) The vacant building registration fee shall be applied by the Chief Building Official toward the cost of any building permit fees otherwise owed for work proposed at the building for which the vacant building registration fee was paid.

F. The Enforcement Officer shall document any property-specific engineering reports, written statements from community organizations, other interested parties or community residents regarding the condition, history, problems, status or blighting influence of a vacant building.

G. The Chief Building Official may reduce vacant building fees by up to fifty percent under the following circumstances:

(1) for a specific property if said property has not been the subject of any enforcement action by any enforcing entity during the shorter of the previous year or the period of the current owner’s ownership of the vacant building; or

(2) the Chief Building Official determines that in the interest of improving compliance with this ordinance, the Chief Building Official may offer a fee reduction for all registrants for a period of up to 60 days provided that a notification to the Common Council is provided by the Chief Building Official or their designee and a reasonable attempt is made to notify would-be registrants of the fee reduction and that no fee reduction offer made pursuant to this subsection has been extended in the previous 30 months; or

(3) the Chief Building Official may offer a reduction in fees to all vacant building registrants for a period of up to 180 days after the date upon which this ordinance became effective provided that no such reduced fee period extends past January 1, 2020.

H. A one-to-three unit residential vacant building where no code violations exist and which is unoccupied for less than ninety days is exempt from registration under either of the following circumstances:

(1) where the vacant building is the primary residence of, and owned by, a natural person; or

(2) where the vacant building is owned by a natural person and where a registered New York State licensed real estate agent has been retained to actively market the building.
§ 133-78.4. Registration Fee Exemptions.

The Chief Building Official may grant an exemption from a vacant building registration fee pursuant to §133-78.3(E) for a given building upon an application made by the registrant on a form approved by the Chief Building Official in the following instances:

A. Where the vacant building has no code violations as to the exterior of the building or property, or interior code violations relating to plumbing or electrical systems that may have an adverse effect upon any other person, entity or property, or interior code violations relating to the structural stability of the building as verified by the Chief Building Official or their designee or in a written, stamped letter from a licensed architect or engineer. The Chief Building Official may grant an exemption under this subsection if code violations discovered during the registration process are remedied within 60 days of said violations having been reported to the registrant. Code violations discovered at the registered building in the year after a fee exemption under this subsection is granted with respect to the registered building will constitute a revocation of said exemption retroactive to the date the building became vacant. An application for an exemption under this subsection shall have an application fee of seventy-five dollars ($75), which shall be credited toward any applicable vacant building registration fee.

B. Where the vacant building is vacant due to fire damage or damage caused by an extreme weather event for the first 180 days of vacancy where the owner or their designee applies for permits necessary for rehabilitation or demolition of the structure. Such fee shall be stayed for a period up to one year during which time work performed under the authorization of the permit is in progress.

C. Where the vacant building has been purchased by a new owner, if a vacant building registration form is submitted within 180 days of purchase and permits have been applied for to undergo rehabilitation work to the vacant building which is necessary to the building becoming occupied or to demolish the vacant building. This exemption shall continue for so long as the permitted work continues at the building but in no case for longer than two years from the date a permit for said work was issued at which point liability for the fee will be deemed to run from the end of one year from the date of issuance of the permit. If work ceases at the building as evidenced by a failure to request and pass inspections pursuant to the aforementioned permits and/or a failure to proceed with work for a period of more than 180 days the Chief Building Official may revoke this exemption retroactive to the date the building became vacant.

D. Where the vacant building is owned by corporate registrants organized pursuant to and/or subject to §1408, §1411, §§1600 et seq., New York Not-for-Profit Corporation Law or other lawful not-for-profit corporations entitled to a federal tax exemption pursuant to 26 USC §501(c)(3) chartered exclusively for the purpose of providing housing to low income individuals and/or rehabilitating and returning vacant buildings to productive use.

§ 133-78.5. Power to repair or abate violations.

Where an owner or responsible party fails to maintain a vacant building or premises in compliance with any lawful standard, after notice and opportunity to be heard to such owner or responsible party, the Chief Building Official may correct the violation and pursue reimbursement for the cost of abatement under any authority available by law, including but not limited to Albany City Code §§ 133-28, 133-29, 231-122, 231-123, 375-5(G)(6)(f), New York
State Property Maintenance Code §108.2, or any other equivalent law or ordinance.

§ 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 containing not less than the following information:

A. The number of buildings in the City declared vacant in each category set forth in §133-78.3(E)(2) 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.

§ 133-78.7. Penalties for offenses.

Any person violating any provision of the Vacant Building Registry or providing false information to the Enforcement Officer shall be punished as provided by Chapter 133A of this Code.

Section 2. This ordinance shall take affect thirty days after enactment.

Council Member Anane spoke on the ordinance prior to a vote.

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

*Ordinance 30.51.18 was co-sponsored by Council Members Anane, Applyrs, Balarin, Conti, Fahey, Farrell, Flynn, Hoey, Igoe, Kimbrough, Love, and O’Brien

Passed by the following vote of all the Council Members elected voting in favor thereof:


Affirmative 13 Negative 0 Abstain 0

President Pro Tem Conti held the pending ordinances on the agenda for further consideration.

Consideration of Resolutions

Council Member Kimbrough noticed the introduction of Resolution 64.81.18R as follows, which was held for further consideration:

Resolution Number 64.81.18R

RESOLUTION OF THE COMMON COUNCIL REAPPOINTING BRENDA ROBINSON AS A MEMBER OF THE COMMISSION ON HUMAN RIGHTS
WHEREAS, the Common Council of the City of Albany, pursuant to the Section 42-362 of Chapter 42 of the Code of the City of Albany, appoints members to the City of Albany Commission on Human Rights.

NOW, THEREFORE, BE IT RESOLVED, that Brenda Robinson is hereby reappointed as a member of the City of Albany Commission on Human Rights for a term ending on August 21, 2021.

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

President Pro Tem Conti referred Resolution Number 64.81.18R to the Human Resources and Human Rights Committee for further consideration.

Council Member Kimbrough noticed the introduction of Resolution 65.81.18R as follows, which was held for further consideration:

Resolution Number 65.81.18R

RESOLUTION OF THE COMMON COUNCIL REAPPOINTING LINDA HUNT AS A MEMBER OF THE COMMISSION ON HUMAN RIGHTS

WHEREAS, the Common Council of the City of Albany, pursuant to the Section 42-362 of Chapter 42 of the Code of the City of Albany, appoints members to the City of Albany Commission on Human Rights.

NOW, THEREFORE, BE IT RESOLVED, that Linda Hunt is hereby reappointed as a member of the City of Albany Commission on Human Rights for a term ending on August 21, 2020.

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

President Pro Tem Conti referred Resolution Number 65.81.18R to the Human Resources and Human Rights Committee for further consideration.

Council Member Applyrs noticed the introduction of Resolution 66.81.18R as follows, which was held for further consideration:

Resolution Number 66.81.18R


WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, appointed Eric Hawkins as the Chief of the Albany Police Department.

NOW, THEREFORE, BE IT RESOLVED, that Eric D. Hawkins is confirmed as the Chief of the Albany Police Department.

President Pro Tem Conti referred Resolution Number 66.81.18R to the Public Safety Committee for further consideration.
Council Member Fahey noticed Resolution Number 50.71.18R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ERIN TOBIN AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION), which had been previously introduced, requested passage and a roll call vote thereon.

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

*Resolution 50.71.18R was co-sponsors by Council Members Anane, Conti, Farrell, Flynn, Hoey, and Igoe*

Passed by the following vote of all the Council Members elected voting in favor thereof:


Affirmative 13  Negative 0  Abstain 0

Council Member Applyrs noticed Resolution Number 63.72.18R (MC) (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF JOSEPH W. GREGORY AS THE CHIEF OF THE ALBANY FIRE DEPARTMENT), which had been previously introduced, requested passage and a roll call vote thereon.

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

*Resolution 63.72.18R (MC) was co-sponsored by Council Members Anane, Applyrs, Balarin, Conti, Fahey, Farrell, Flynn, Hoey, Igoe, Johnson, Kimbrough, Love, and O’Brien*

Passed by the following vote of all the Council Members elected voting in favor thereof:


Affirmative 13  Negative 0  Abstain 0

President Pro Tem Conti held the pending resolutions on the agenda for further consideration.

**Miscellaneous or Unfinished Business**

Council Member Kimbrough offered the following, which was duly seconded by President Pro Tem Conti and ADOPTED by 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, 2018, AND WAIVE THE READING OF THE NAMES

Se’Quar Fox, 112 State, Room 1340, Albany, NY 12207
Alexis Russell, 112 State, Room 1340, Albany, NY 12207
Council Member Applyrs thanked Chief Joseph Gregory (who was present in the audience) for meeting with and answering questions at the Public Safety Committee meeting on July 26, 2018. Council Applyrs thanked Chief Gregory for his service to City of Albany.

**Adjournment**

There being no further business, President Pro Tem Conti made a motion to adjourn, which was duly seconded and adopted by unanimous voice vote. President Ellis declared the meeting adjourned at approximately 7:41 pm.

*Respectfully Submitted*

*Michele Andre*

*Legislative Aide to the Common Council*