CITY OF ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING
THURSDAY, September 5, 2019

Members Present: Anane, Balarin, Conti, Doesschate, Fahey, Flynn, Hoey, Igoe, Johnson, Kimbrough, Love, and Robinson

Staff Present: Danielle Gillespie, Sarah Valis, Michele Andre

The roll being called, the meeting was called to order by President Pro Tem Conti 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). Edward Vinning, 59 Ramsey Place, Albany, NY 12208 (Ramsey Pl Project)
2). Rose Marie Roesch, Ramsey Place, Albany, NY 12208 (Ramsey Pl Project)
3). Marlon Anderson, 216 Lark Street, Albany, NY (Weekend Police Incident)
4). Tara Donodia, 20 Forest Ave, Albany, NY (Community Choice Aggregation)
5). Carol Tansey, 115 Krumskill Rd, Albany, NY 12208 (Community Choice Aggregation)
6). Tina Lieberman, 30 Aspen Circle, Albany, NY 12208 (Community Choice Aggregation)
7). David Barnard, 115 Elm Ave, Delmar, NY (Community Choice Aggregation)
8). Louise Gava, MEGA Administrator for Community Choice Aggregation

The time for Public Comment having expired, Majority Leader Kimbrough made a motion, which was duly seconded, to extend the Public Comment Period by an additional 30 minutes. There being no discussion, motion was ADOPTED by unanimous voice vote.

9). Anne Erling, 242 Woodlawn Ave, Albany, NY 12208 (Community Choice Aggregation)
10). David Kirk-Davidoff, 35 Dove Street, Albany, NY (Community Choice Aggregation)
11). Wendy Dwyer, Canaan, NY (Community Choice Aggregation)
12). Brittany Orlebeke, 265 S. Main Ave, Albany, NY (Community Choice Aggregation)
13). Janet Dwyer Stutzman, 225 Euclid Ave, Albany, NY (563 New Scotland)
14). Alana Klein, 29 Glenwood Street, Albany, NY (Grand Street Incident)
15). Mashanna Burns, 96 Livingston Ave (Honorary Street Signs)

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

Approval of Minutes
There were no meeting minutes available for approval.

Consideration of Local Laws
Council Member Flynn noticed the introduction of Local Law D - 2019 as follows, which was held for further consideration:
LOCAL LAW D 2019

A LOCAL LAW AMENDING SUBSECTION A OF SECTION ONE (CIVIL ACTIONS; REQUIREMENTS TO FILE) OF CHAPTER TWENTY-FOUR (CLAIMS AGAINST THE CITY) OF THE CODE OF THE CITY OF ALBANY TO REFLECT THE CORRECT TITLE OF THE COMMISSIONER OF GENERAL SERVICES

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

Section 1. Subsection A of Section 1 of Chapter 24 of the Code of the City of Albany is amended to read as follows:

§24-1 Civil Actions; requirements to file

A. No civil action shall be maintained against the City for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed unless, previous to the occurrence resulting in damages or injury, written notice of the defective, unsafe, dangerous or obstructed condition of said street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the Commissioner of Public Works General Services and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to the person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street unless written notice thereof, relating to the particular place, was actually given to the Commissioner of Public Works General Services and there was a failure or neglect to cause such snow or ice to be removed or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice.

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

Majority Leader Kimbrough held the remaining local laws on the pending agenda.

Reports of Standing and Ad Hoc Committees
Planning, Economic Development and Land Use: Council Member Fahey reported that the committee met on August 28 to review Resolution 33.91.18R (Support to Participate in Community Choice Aggregation “CCA”) As Amended and voted it out of committee.

Finance, Assessment and Taxation: Council Member Doesschate reported that the committee will meet on September 9, 2019 to review Budget development, Local Law C and 2nd quarter Treasurer’s report.

Law, Building and Code Enforcement: Council Member Igoe reported that the committee met on August 26, 2019 to review Ordinance 12.62.19 (relating to the maximum towing charge permitted) and the ordinance was tabled.

Consideration of Ordinances
Majority Leader Kimbrough held the Ordinances on the pending agenda.

**Consideration of Resolutions**
Council Member Anane noticed Resolution 62.91.19R, asked passage and a roll call vote thereon.

**RESOLUTION NUMBER 62.91.19R**

A RESOLUTION OF THE CITY OF ALBANY’S COMMON COUNCIL URGING GOVERNOR ANDREW M. CUOMO TO SIGN INTO LAW A.7431-B/S.5294-A AUTHORIZING THE LEGAL USE OF ELECTRIC-ASSISTED BICYCLES AND SCOOTERS IN NEW YORK STATE

WHEREAS, State Senator Jessica Ramos and New York State Assemblywoman Nily Rozic have introduced and passed within their respective houses, (S.5294-A and A.7431-B) a bill to amend the New York State Vehicle and Traffic Law, in relation to authorizing the use of electric-assisted bicycles and scooters; and

WHEREAS, the authorization within the Vehicle and Traffic Law would update State law to enable localities to adopt regulations permitting and controlling the use of e-bikes and scooters on their roadways, along with framework for speed, safety and oversight mechanisms; and

WHEREAS, many States across the U.S. have adopted similar laws to allow for this new form of transportation; and

WHEREAS, e-bikes and e-scooters can relieve congestion and reduce carbon emissions by reducing the daily reliance on motor vehicles; and

WHEREAS, shared e-scooters and e-bikes are inexpensive in comparison to other modes of transportation, while also helping to fill in the “last-mile” transportation gap by helping individuals gain easier access to existing mass transportation options; and

WHEREAS, the use of e-scooters and e-bikes can help boost local economies by providing greater foot traffic to commercial districts, encouraging users to shop at local establishments over shopping online; and

WHEREAS, providing safe transportation methods, while decreasing greenhouse emissions in the process, is a way for New York State to be a leader in reducing harmful discharges of smog, soot and other toxins that contribute to adverse health outcomes and harmful environmental impacts;

THEREFOR, BE IT RESOLVED that the City of Albany Common Council supports and endorses A.7431-B/S.5294-A and encourages the Governor to sign this legislation into law, allowing for the use of electronic scooters and bikes as a clean mode of transportation for citizens of the State of New York.

*Resolution 62.91.19 was co-sponsored by Council Members Hoey and Kimbrough*
There being no discussion, President Pro Tem Conti called for a roll call vote thereon and the Resolution was ADOPTED:

The Resolution passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Flynn, Hoey, Igoe, Johnson, Kimbrough, and Love

Affirmative 12 Negative 0 Abstain 0

Council Member Kimbrough on behalf of Council Member Conti noticed the introduction of Resolution 63.91.19 as follows, which was held for further consideration:

RESOLUTION NUMBER 63.91.19R

RESOLUTION OF THE COMMON COUNCIL AMENDING ARTICLE 4 (INTRODUCTION OF LEGISLATION) OF THE RULES OF PROCEDURE OF THE CITY OF ALBANY COMMON COUNCIL IN RELATION TO AUTHORIZING SPONSORSHIP OF LEGISLATION BY STANDING COMMITTEES OF THE COUNCIL

RESOLVED, section 4.11 of Article 4 (Introduction of Legislation) of the Rules of Procedure of the City of Albany Common Council is amended to read as follows:

SECTION 4.11.

No legislation shall be placed upon the Common Council agenda unless and until such legislation is sponsored by a member of the Council. Members may sponsor legislation on their own initiative, may agree to sponsor legislation on behalf of others or may be assigned to sponsor legislation at the request of the President Pro-Tempore. Notwithstanding the preceding, at the discretion of the President Pro Tempore, sponsorship of legislation submitted by the Mayor or an executive branch agency may be assigned to a standing committee of the Council with jurisdiction of the subject matter for introduction. In such cases, the chair of said standing committee shall be responsible for managing Council consideration of the legislation.

For purposes of this Article, an item shall be considered “placed on the agenda” when the agenda is mailed to the members.

In order to be eligible for placement on the agenda, legislation must be submitted to the Corporation Counsel not less than one week before the caucus. Such submission must be made by noon of the due date.

BE IT FURTHER RESOLVED, that the amendment made to section 4.11 of the Rules of Procedure of the City of Albany Common Council by this resolution shall take effect immediately.
Majority Leader Kimbrough referred Resolution 63.91.19 to the Council Operations and Ethics Committee for further consideration.

Majority Leader Kimbrough made a motion, which was duly seconded, requesting Majority Consent to add Resolution 64.91.19 (MC) to the agenda. There being no discussion, the motion was adopted by voice vote.

Council Member Love noticed the introduction of Resolution 64.91.19 (MC) asked passage and a roll call vote thereon.

RESOLUTION NUMBER 64.91.19R (MC)

RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND HONORING GERTRUDE LOVE WINBUSH FOR HER CONTRIBUTIONS TO THE CITY OF ALBANY

WHEREAS, Gertrude Love Winbush was born in St. Louis, Missouri on May 18, 1939 and moved with her family to Albany, New York in 1942 where she attended the Albany public schools; and

WHEREAS, she attended Colona Beauty School, following her passion for beauty and fashion, and then became a stylist at Ruth’s Beauty Salon. She was recognized by Douglas Ivey as a pioneer of the beauty industry; and

WHEREAS, Mrs. Winbush was an entrepreneur, founding her business “Mrs. G’s”, where she sold hats and accessories at every craft show, and also provided tailoring services for her friends and family; and

WHEREAS, Mrs. Winbush worked as a teachers’ aide at the Arbor Hill Elementary School for over 20 years; and

WHEREAS, she served on the Clovis A. Drake Scholarship Committee, Host and Hostess Committee and Home Mission Committee; and

WHEREAS, Mrs. Winbush loved spending time with family, including her husband of over 25 years, Alvin “Stoney” Winbush, cooking, traveling, and shopping; and

NOW, THEREFORE, BE IT RESOLVED, that Albany Common Council hereby honors Gertrude Love Winbush for her dedication and contributions to her community and the City of Albany;

NOW, THEREFORE, BE IT RESOLVED, that Albany Common Council hereby declares September 6, 2019 as “Gertrude Love Winbush Day.”

*Resolution 64.91.19(MC) was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Flynn, Hoey, Igoe, Johnson, Kimbrough, and Love*
*Council Member Robinson spoke on the Resolution prior to passage.

There being no further discussion, President Pro Tem Conti called for a voice vote thereon and the Resolution was ADOPTED unanimously.

Council Member Fahey noticed Resolution 39.61.18 As Amended, asked passage and a roll call vote thereon.

**Resolution Number 39.61.18R As Amended**

RESOLUTION OF THE COMMON COUNCIL IN SUPPORT OF PARTICIPATION IN THE CAPITAL REGION COMMUNITY CHOICE AGGREGATION PROGRAM TO NEGOTIATE AND ENTER INTO ENERGY SUPPLY CONTRACTS WITH ENERGY SERVICE COMPANIES

WHEREAS, the sustainability goals outlined in the City of Albany’s Albany 2030 Climate Action Plan, the Climate Change Vulnerability Assessment and Adaptation Plan call for the City to adopt sustainable practices and foster unified action on climate change; and

WHEREAS, the City of Albany is a certified Climate Smart Community, part of a state program designed to support municipal efforts to meet economic, social, and environmental challenges posed by climate change; and

WHEREAS, it would benefit the City of Albany to explore opportunities to further reduce energy and carbon emissions; and

WHEREAS, the residents and businesses in the City of Albany would benefit from lower energy costs and a greater choice of energy sources including renewable sources; and

WHEREAS, Community Choice Aggregation (“CCA”) is a municipal energy procurement model approved by the Public Service Commission and supported by New York State Energy Resource and Development Authority (NYSERDA) that allows local communities to determine the default supplier of electricity and/or renewable credits for virtually all homes and small businesses within a town or city’s jurisdiction; and

WHEREAS, the CCA model puts control of choosing an energy supplier in local hands; and

WHEREAS, by pooling demand, CCA enables communities to build the clout necessary to negotiate lower rates with private suppliers and are able to choose cleaner energy; and

WHEREAS, efforts to establish a Capital Region CCA are underway under the guidance of regional experts, NYSERDA, and the Capital District Regional Planning Commission (CDRPC); and
WHEREAS, a Steering Committee to explore a Capital Region CCA has been formed to explore the issues surrounding the creation of a Capital Region CCA, interview potential CCA Administrators, and communicate with potential members of a future Capital Region CCA; and

NOW, THEREFORE LET IT BE RESOLVED, that the City of Albany seeks further opportunities to expand access of residents and businesses while also reducing greenhouse gas emissions; and

BE IT FURTHER RESOLVED, that the City of Albany seeks opportunities to reduce costs for energy to residents and businesses while also reducing greenhouse gas emissions; and

BE IT FURTHER RESOLVED, that the City of Albany seeks opportunities to increase cost certainty for residents and businesses; and

BE IT FURTHER RESOLVED, that the City of Albany supports and encourages the formation of a Capital Region CCA for its potential to offer its residents and businesses lower energy costs and cost certainty while increasing their access to renewable energy and encouraging local economic benefits in the form of new renewable energy generation infrastructure; and

BE IT FURTHER RESOLVED, that the Mayor will appoint the City of Albany’s Energy Manager or, in the absence of an Energy Manager being employed by the City of Albany, another representative to serve on the Capital Region CCA Steering Committee in order to represent the City of Albany’s interests during this phase of the creation of a Capital Region CCA.

BE IT FURTHER RESOLVED, that the Common Council recommends the Mayor immediately begin the process for choosing a CCA administrator and complete the selection process by November 1, 2019.

* Resolution 39.61.18 was co-sponsored by Council Members Anane, Conti, Flynn, Hoey, Igoe, Kimbrough, and Robinson

* Council Member Fahey, Doesschate and Balarin spoke on the Resolution prior to passage.

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

The Resolution passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Flynn, Hoey, Igoe, Johnson, Kimbrough, and Love

Affirmative 12  Negative 0  Abstain 0

President Pro Tem Conti relinquished the Char as Presiding Officer to Majority Leader Kimbrough and took his seat on the floor of the Chamber.
Council Member Conti noticed Resolution 54.72.19R (RESOLUTION OF THE COMMON COUNCIL AUTHORIZING A REWARDS PROGRAM IN ACCORDANCE WITH SECTION 91 OF THE NYS GENERAL MUNICIPAL LAW IN RELATION TO THE ILLEGAL USE OF ATVs AND DIRT BIKES ON PUBLIC STREETS), which had been previously introduced, asked passage and a roll call vote thereon.

*Resolution 54.72.19R was co-sponsored by Council Members Anane, Flynn and Kimbrough*

*Council Member Conti, Robinson, Johnson, Love, Hoey, Fahey, and Anane spoke on the Resolution prior to passage.*

There being no discussion, Majority Leader Kimbrough called for a roll call vote thereon and the Resolution was ADOPTED:

The Resolution passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Flynn, Hoey, Igoe, , Kimbrough

Negative – Johnson, Love, Robinson

Affirmative   9   Negative   3   Abstain      0

Majority Leader Kimbrough relinquished the Chair of Presiding Officer to President Pro Tem Conti and returned to his seat on the floor

Council Members Igoe, Flynn and Hoey WITHDREW Resolution 56.72.19R (RESOLUTION OF THE COMMON COUNCIL ENCOURAGING THE CITY OF ALBANY’S PLANNING BOARD TO REQUIRE THAT A FULL ENVIRONMENTAL IMPACT STATEMENT BE PRODUCED AS SET FORTH UNDER NEW YORK’S STATE ENVIRONMENT QUALITY REVIEW ACT FOR THE PROPOSED DEVELOPMENT PROJECT AT 563 NEW SCOTLAND AVENUE), which had been previously introduced.

Majority Leader Kimbrough held the remaining Resolutions on the pending agenda for further consideration.

**Miscellaneous or Unfinished Business**
Council Member Hoey (62.92.19R, USDO & failing Water System)
Council Member Johnson (Oppose 54.72.19 & Support for Change)
Council Member Robinson (Oppose 54.72.19 & Gun Violence)
Council Member Fahey (Council Robinson’s Comment)

**Adjournment**
There being no further business, Majority Leader Kimbrough made a motion to adjourn, which was duly seconded and adopted by unanimous voice vote. President Pro Tem Conti declared the meeting adjourned at approximately 8:54 pm.
Respectfully Submitted
Michele Andre
Legislative Aide to the Common Council