



## **MINUTES OF A REGULAR MEETING MONDAY, June 15, 2020**

The Common Council was convened at 7:09 p.m. and was called to order by President Ellis. This meeting was held following Governor Cuomo's executive order 202.1 and Mayor Sheehan's emergency order 315-1b. It live streamed on [Facebook](#) using Zoom as the meeting platform.

The roll being called, the following answered to their names: Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, Robinson and President Ellis.

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

President Pro Tem Kimbrough led the Pledge of Allegiance.

### **PUBLIC COMMENT PERIOD**

- 1) Brenda Baddam, 80 States Street, Albany, NY (Field Sobriety Tests in Different Language – Resolution 50.61.20R (MC))
- 2) Christopher Vanderhoof, 7 Par Dr, Albany, NY (Support Opening the Golf Course)
- 3) Justin McCarthy, 63 Oakwood Street, Albany, NY 12208 (Support Opening the Golf Course)
- 4) Clair Grant, 85 Daytona Ave, Albany, NY 12203 (Support Opening the Golf Course)
- 5) Jeremy Allerton, 7 Glendale Ave, Albany, NY (Support Opening the Golf Course)
- 6) David Torncello IV, 140 Tallmadge Pl, Albany, NY (Support Opening the Golf Course)
- 7) Kathleen Turner, 81 Rose Ct, Albany, NY (Support Opening the Golf Course)
- 8) Ronald Murray, 9 Par Dr., Albany, NY (Support Opening the Golf Course)
- 9) John Kellogg, 21 Meadow Lane, Albany, NY (Support Opening the Golf Course)
- 10) Melissa Brown, 17 Swartson Court, Albany, NY (Support Opening the Golf Course)
- 11) Paul Vogt, 7 Fairway Court, Albany, NY (Support Opening the Golf Course)
- 12) Maureen O'Brien, Albany, NY (Support Opening the Golf Course)

The time for Public Comment having expired, President Pro Tem 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.

- 13) Thomas McCaffrey, 6 Warren Ave, Albany, NY (Support Opening the Golf Course)
- 14) Andrew Vogt, 7 Fairway Court, Albany, NY (Support Opening the Golf Course)
- 15) Alexia Briwa, 27 Acpen Circle, Albany, NY (Support Opening the Golf Course)
- 16) Judy Conti, 81 Daytona Avenue, Albany, NY (Support Opening the Golf Course)
- 17) Kelly Boyea, 89 Crescent Dr., Albany, NY (Support Opening the Golf Course, 52.62.20R & 53.62.20R)
- 18) Judith Cavanaugh, 28 Bancroft St, Albany, NY (Support Opening the Golf Course)
- 19) Patrick Vogt, 7 Fairway Ct, Albany, NY (Support Opening the Golf Course)
- 20) William Hearley, 146 Tallmadge Place, Albany, NY (Support Opening the Golf Course)
- 21) Charlene Shafer, 5 Sawyer Place, Albany, NY (Support Opening the Golf Course)
- 22) Mark Castiglione, 50 Parkwood Street, Albany, NY (Support Opening the Golf Course)
- 23) Carl Brock, 8 Deerwood Ct, Albany, NY (Support Opening the Golf Course)
- 24) Linda Berry, 9 Paxwood Rd, Delmar, NY (Support Opening the Golf Course)
- 25) Lundberg, 200 Holmes Dale, Albany, NY (Support Opening the Golf Course)
- 26) Elizabeth Huntley, 274 Wellington Rd, Delmar, NY (Support Opening the Golf Course)
- 27) Joan Griffin, 38 Wood Terrace, Albany, NY (Support Opening the Golf Course)
- 28) Justin Foglia, 82 Circular St, Saratoga Spring, NY (Support Opening the Golf Course)
- 29) Fran Mesick, 6A Griffin Circle, Albany, NY (Support Opening the Golf Course)
- 30) John P. Kemp, 66 Aspen Circle, Albany, NY (Support Opening the Golf Course)
- 31) Rebecca Clancy, 9 Grafton Road, Glemont, NY (Support Opening the Golf Course)
- 32) David R. Torncello III, 140 Tallmadge Place, Albany, NY (Support Opening the Golf Course)
- 33) Robert Kelley, 409 Madison Avenue, Albany, NY (Support Opening the Golf Course)
- 34) Emily Hanby, 49 Elmhurst Ave, Albany, NY 12203 (Defunding the Albany Police Department (APD))
- 35) Cecelia Wren, 300 Manning Blvd, Albany, NY (Defunding the APD)
- 36) Alana Klein, 29 Glenwood St, Albany, NY (Albany Police Department's Union)
- 37) Betsy Mercogliano, 3 Wilbur Street, Albany, NY 12202 (Support Opening the Golf Course)
- 38) Timonthy Corbitt, 7 Center In., Glenmont, NY 12077 (NYSP Commander Chris West Troop's Albany High Football jersey # should be retired)
- 39) Mitchell Ringwald, 121 Grove Ave, Albany, NY (Defunding and Demilitarization APD)
- 40) Sean Keller, 12 California Ave, Albany, NY (Overgunded Police)

\* Every comment has been sent to the entire common council membership and that the comments was made available for review offline (not during the meeting).

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 May 31, 2020 Emergency meeting and June 1, 2020 meeting of the Council, which was duly seconded, and APPROVED by unanimous voice vote.

### **CONSIDERATION OF LOCAL LAWS:**

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

**REPORTS OF STANDING COMMITTEES:**

**Planning, Economic Development and Land Use:** Council Member Fahey reported that the committee met on June 8, 2020 at 5:30PM to review Ordinance 8.41.20 and 15.81.19. Ordinance 8.41.20 and 15.81.19 was moved out of committee with a positive recommendation.

**Human Resource, and Human Rights:** Council Member Robinson reported that the committee met on June 11, 2020 at 5:30PM to review Resolution 48.61.20. Resolution 48.61.20 As Amended was moved out of committee with a positive recommendation.

**General Services, Health and Environment:** Council Member O'Brien reported that the committee is having a joint meeting with Parks, Recreation and Family Services. The Committee will meet on June 29, 2020 at 5:30PM to review Resolution 51.62.20R, 52.62.20R and 57.62.20R.

**Finance, Assessment and Taxation:** Council Member Farrell reported that the Committee met at 5:30pm on Resolution 45.61.20. Resolution 48.61.20 As Amended was moved out of committee with a positive recommendation.

**Parks, Recreation and Family Services:** Council Member Flynn reported that the Committee will meet at June 25, 2020 at 5:30pm to discuss our new LIGHT Summer Employment Program.

**Public Safety:** Council Member Kimbrough reported the Committee met June 3, 2020 at 5:30PM to interview a candidate for the Community Review Police Board (CPRB) and the potential recommendation of the appointee to the full common council. Committee recommended Nairobi Vives for term ending October 26, 2020.

**CONSIDERATION OF ORDINANCES**

Council Member Robinson noticed Ordinance 12.62.20R as follows, which was held for further consideration:

**ORDINANCE NUMBER 12.62.20**

**AN ORDINANCE AMENDING PART I (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF PART I (GENERAL LEGISLATION) OF THE CODE OF ALBANY BY CREATING A NEW ARTICLE REGARDING ALBANY POLICE DEPARTMENT INTERACTIONS**

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

**Section 1.** Part I (Department of Police) of Chapter 42 (Departments and Commissions) of Part I (Administrative Legislation) of the Code of the City of Albany is amended to read as follows:

**ARTICLE VIIB Albany Police Department Interactions.**

§42-54.2 Standardized Field Sobriety Tests

A. The Albany Police Department shall provide Standardized Field Sobriety Tests in the Spanish language.

**Section 2.** This ordinance shall take effect thirty days (30) after its enactment into law.

President Pro Tem Kimbrough referred Ordinance 12.62.20R to the Public Safety Committee for further consideration.

**President Pro Tem Kimbrough held the remaining Ordinances on the agenda for further consideration.**

**CONSIDERATION OF RESOLUTIONS**

Council Member Johnson noticed Resolution 51.62.20R as follows, which was held for further consideration:

**Resolution Number 51.62.20R**

**RESOLUTION HONORING THE LIFE OF RUBY A. HUGES AND NAMING A PORTION OF TRINITY PLACE BETWEEN WESTERLO STREET AND MADISON AVENUE IN HER HONOR.**

**WHEREAS**, Ruby was born on October 23, 1934, in Georgetown, SC to the late Ophelia Reed & Westley Carter. At an early age, she relocated to the Bronx, NY. At age 19 she arrived in Albany, NY and married Frederick Hughes; and

**WHEREAS**, with a passion and purpose to improve conditions in her community, she was a member, leader, adviser, president and co-chairperson for several community service organizations in the Capital Region; and

**WHEREAS**, Ruby was fondly known as the Mayor of Arbor Hill. Her motto in life was, “Always leave the people, place or things, better than when you found it.”; and

**WHEREAS**, some of the awards she received include: Outstanding Black Woman of the Year for the YMCA, Outstanding Service from the Urban League, NAACP Shafer Award and many more; and

**WHEREAS**, she served as Director of Community Services for more than 19 years at the Trinity Institution where she trained and developed youth ages 14-21 years old, planned and prepared an annual handbook for working with children and first-time-employed teenagers, planned fundraisers and assisted in planning programming for the holidays, and invited college professors and students to meet parents, staff, and youth enrolled in the program, among many other phenomenal things; and

**WHEREAS**, her heart and pulse resided at Trinity Place;

**NOW, THEREFORE, BE IT RESOLVED**, that in recognition of her life that an honorary street sign to read “Ruby A. Hughes Place” shall be placed adjacent to the existing Trinity Place sign; and

**BE IT FURTHER RESOLVED**, that a public street designation recognizing Ruby A. Hughes will serve as a reminder of her accomplished life, her good nature, her passion, and her love for the City of Albany; and

**BE IT FINALLY RESOLVED**, that copies of this resolution, suitably engrossed, be transmitted to the family of Ruby A. Hughes and to Trinity Institution, with the condolences of the Common Council of the City of Albany.

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

President Pro Tem Kimbrough referred Resolution 51.62.20R to the General Services, Health and Environment Committee for further consideration.

Council Member Flynn WITHDREW Resolution 52.62.20R as follows:

**RESOLUTION NUMBER 52.62.20R**

**A RESOLUTION OF THE COMMON COUNCIL DEMANDING THE MAYOR TO DIRECT THE DEPARTMENT OF GENERAL SERVICES TO OPEN THE GOLF COURSE**

**WHEREAS**, Capital Hills Golf Course has been closed for the 2020 season; and

**WHEREAS**, the continued closure to Capital Hills Golf Course negatively impacts recreational opportunities for every city resident. Refusal to open the golf course by Mayor Kathy Sheehan is another insult to the Normanskill Neighborhood residents who previously suffered the loss of recreational opportunities in 2019 with the construction of the new New York State DOCCS training facility; and

**WHEREAS**, the 2020 City of Albany budget appropriated funding of \$1,049,300 for golf course operations. Refusal to expend duly appropriated budget funding by Mayor Sheehan is an unlawful action by the Mayor's office and is thwarting the will of the people, who expected a golf course from their tax dollars as executed by a vote of the Common Council; and

**WHEREAS**, on May 16th, 2020, Governor Andrew Cuomo and the Empire State Development Corporation classified golf as an essential recreational activity; and

**WHEREAS**, in 1929 Albany Mayor John Boyd Thacher decreed that it was imperative for the City of Albany to operate a municipally-owned golf course serving city residents; and

**WHEREAS**, for nearly 100 years the City of Albany has operated a popular golf course, now called Capital Hills, offering an important recreational activity to residents; and

**WHEREAS**, in recent years approximately 28,000 rounds of golf are played by city residents and non-city residents making Capital Hills one of the busiest and most popular recreational facilities in the Capital District region; and

**WHEREAS**, the continued closure of Capital Hills Golf Course will directly result in the possible closure of two private businesses related to the golf course, which employ Albany residents and pay city sales and use taxes; and

**WHEREAS**, permanent closure of the golf course is likely if this temporary closure continues indefinitely. As Mayor John Boyd Thacher said in 1929, and the 2020 City of Albany Common Council agrees today, “it is imperative for the City of Albany to have a golf course”; and

**WHEREAS**, Capital Hills will forever be negatively impacted by continued closure and will destroy all ability to book future events and tournaments like the Symetra 2021 Professional Golf Tour event; and

**WHEREAS**, it has been maintained by mental health counselors that golf offers a valuable mental health component to persons’ well being; and

**WHEREAS**, the operational budget for Capital Hills was already approved and adopted by the City Council in 2019 as part of the overall City of Albany budget; and

**WHEREAS**, the Department of General Services staff are still currently maintaining the golf course while Capital Hills has been closed due to the COVID-19 pandemic; and

**WHEREAS**, Capital Hills Golf Course is the only golf course in the entire region that remains closed despite Governor Cuomo classifying Golf as an essential recreational activity; and

**WHEREAS**, as each day that passes with Capital Hills closed and combined with the short golf season in the Northeast, the City of Albany will continue to lose valuable revenue already budgeted from Capital Hills, and continued closure will only make reopening Capital Hills Golf Course even more difficult in the future; and

**WHEREAS**, Capital Hills golf course is a recreational crown jewel for the City of Albany and provides meaningful summer youth job opportunities in addition to the important full-time jobs of General Services employees; and

**WHEREAS**, it is the strong sense of this body that Capital Hills Golf Course is an essential recreational facility for the City of Albany that provides affordable physical exercise and valuable mental health service to Albany residents; and

**WHEREAS**, Mayor Sheehan by closing the Capital Hills Golf Course is violating the very Statutory promise of the adopted city budget which pledged to “increase Recreational Opportunities for residents.”; and

**NOW THEREFORE BE IT, RESOLVED**, it is the strong belief of this body that Mayor Kathy Sheehan must direct the Department of General Services to immediately open Capital Hills Golf Course for golf to the public.

Council Member Flynn noticed Resolution 53.62.20R as follows, which was held for further consideration:

**RESOLUTION NUMBER 53.62.20R**

**A RESOLUTION BY THE ALBANY COMMON COUNCIL TO CREATE A COMMITTEE TO STUDY THE FUTURE OF THE CAPITAL HILLS GOLF COURSE PROPERTY AND BROADEN RECREATIONAL OPPORTUNITIES FOR ALL RESIDENTS OF THE CITY OF ALBANY.**

**WHEREAS**, for nearly 100 years Capital Hills Golf Course has been a recreational asset for the residents of Albany and it is the sense of this body that the continued operation of Capital Hills as a golf course is imperative for the City of Albany; and

**WHEREAS**, the COVID-19 pandemic has inflicted significant damage to our community, highlighted by the loss of life but also resulting in the closure of numerous recreational venues including public parks, playgrounds and the golf course; and

**WHEREAS**, the COVID-19 pandemic has also resulted in the likely termination of all organized youth recreational activities in 2020; and

**WHEREAS**, it is the sense of this body that we must plan accordingly to reimagine the future of the Capital Hills property, maintaining its imperative mission of a golf course, but to also study and pursue additional recreational activities which could be offered to all Albany residents; and

**WHEREAS**, the expansive Capital Hills property holds vast recreational potential and opportunities that could include additional walking trails, hiking, swimming and youth camping services; and

**WHEREAS**, the City of Albany has a history of philanthropy and corporate support of recreational activities including the Freihofer’s Run for Women and the CDPHP Symmetra Golf tournament; and

**WHEREAS**, the City Council wishes to explore the creation of a legal entity or Authority that is designed to generate revenue and recruit corporate and private sector sponsorships in support of all Albany recreational venues operated by the City of Albany;

**NOW THEREFORE BE IT, RESOLVED**, that the Common Council shall create a temporary Commission to explore the future of and/or reimagine the Capital Hills Golf Course property and to explore ways in which the City can broaden recreational opportunities for all residents of the City of Albany; and

**BE IT FURTHER RESOLVED**, that this Committee shall consist of seven members; and

**BE IT FURTHER RESOLVED**, that one seat on the Committee shall be held by the Common Councilmember who represents the ward in which Capital Hills is located, one seat shall be held a licensed engineer, one seat shall be held by a licensed attorney, one seat shall be held by an individual with a demonstrated background in golf or the management of golf courses, and the remainder of the seats on the Committee shall be held residents of the City of Albany; and

**BE IT FURTHER RESOLVED**, that the Common Councilmember who represents the ward in which Capital Hills is located shall chair the Committee; and

**BE IT FURTHER RESOLVED**, that the Common Council shall interview and appoint the holders of the seats reserved for the engineer, the attorney, and the individual with a golf background, while the Mayor shall appoint the remaining members of the Committee; and

**BE IT FURTHER RESOLVED**, that the Committee shall exist for a period of one year from the date of its first meeting, except that its existence may be extended or it may be disbanded by resolution of the Common Council.

President Pro Tem Kimbrough referred Resolution 53.62.20R to the Parks Recreation and Family Services Committee for further consideration.

Council Member Kimbrough noticed Resolution 54.62.20R as follows, asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 54.62.20R**

**RESOLUTION OF THE COMMON COUNCIL AMENDING THE APPOINTMENTS OF MARRIAGE OFFICERS.**

**WHEREAS**, Article 3 of the Domestic Relations Law authorizes the governing body of a City to appoint Marriage Officers whom shall have the authority to solemnize a marriage in accordance with other applicable provisions of law and within the municipal boundaries of the City; and

**WHEREAS**, the Common Council adopted resolutions 39.51.20R, 40.51.20R and 41.51.20R appointing certain persons to become marriage officers; and



**WHEREAS**, those marriage officers were appointed for a term effective from the passage of those resolution of the Common Council until Executive Order 202 of the Governor of New York, issued on March 7, 2020 is rescinded or until August 31, 2020, whichever is earlier; and

**WHEREAS**, Resolution 41.51.20R appointed Cashawna Parker which is the marriage officer's maiden name;

**NOW THEREFORE BE IT RESOLVED**, the terms of the Marriage Officers appointed via Resolutions 39.51.20R, 40.51.20R, and 41.51.20R are changed to a term expiring December 31, 2021; and

**BE IF FURTHER RESOLVED**, that Resolution 41.51.20R is amended to reflect the legal name of the marriage officer as Cashawna Burt; and

**BE IT FINALLY RESOLVED**, that this resolution shall be effective immediately.

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

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

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrel, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, Robinson introduced the following with the support of Council President Ellis noticed Resolution 55.61.20R as follows, asked passage and a voice vote thereon:

**RESOLUTION NUMBER 55.62.20R**

**RESOLUTION THANKING THE NEW YORK STATE LEGISLATURE FOR PASSING AND THE GOVERNOR FOR SIGNING, A10611/S8496 WHICH REPEALED SECTION 50-A OF THE NEW YORK CIVIL RIGHTS LAW IN RELATION TO THE PERSONNEL RECORDS OF POLICE OFFICERS, FIREFIGHTERS, AND CORRECTION OFFICERS**

**WHEREAS**, The New York Civil Rights Law Section 50-A permitted law enforcement agencies to refuse public disclosure of “personnel records used to evaluate performance toward continued employment or promotion”; and

**WHEREAS**, This exemption was adopted in 1976 by the State Legislature in order to prevent defense attorneys from using such records in cross-examinations of police witnesses

during criminal prosecutions based on raw and unverified unproven or irrelevant material contained in personnel files; and

**WHEREAS**, According to the NYS Bar Association, this exemption shrouded certain information from the public under the guise of protecting “personnel records” even if such records reflect misconduct; and

**WHEREAS**, the interpretation of the law included the determinations of wrongdoing and recommendations of discipline made by the Civilian Complaint Review Board (CCRB), an independent agency charged with investigating complaints against police officers; and

**WHEREAS**, the Center for Law and Justice have expressed their frustrations with obtaining information from the Albany Police, including police officers’ disciplinary records, used to assess the credibility of police officers and the merits of an arrest; and

**WHEREAS**, In 2018, the New York State Committee on Open Government, created as part of the Freedom of Information Law in 1974 to identify areas in the law that warrant improvement, issued a report to Governor Andrew Cuomo on Section 50-A of the Civil Rights Law; and

**WHEREAS**, As it has done consistently for the past several years, the Committee on Open Government called for the repeal or amendment of Civil Rights Law Section 50-A as its highest legislative priority; and

**WHEREAS**, According to the Committee, the interpretation and application of the repealed law deprived the public of information essential to oversight and “lends a shield of opacity to the very public State and local police agencies that have perhaps the greatest day-to-day impact over the lives of citizens”; and

**WHEREAS**, The New York Civil Rights Law Section 50-A increased the harms caused to New Yorkers who experienced police abuse by denying them and their loved ones access to information about whether police departments took any disciplinary action at all against officers who mistreat them, including withholding information about officers actions that resulted in a person’s death; and

**WHEREAS**, Furthermore, the interpretation of the repealed law only allowed the public to see these crucial records based on occasional leaks by whistleblowers; and

**WHEREAS**, A10611, sponsored by Assemblyman Daniel J. O’Donnell, and the same as bill in the State Senate S8496, Sponsored by State Senator Jamaal T. Bailey repealed section 50-A of the Civil Rights law, takes effect immediately; and

**WHEREAS**, The repeal of this law will significantly improve transparency, accountability, and increase the public’s trust in law enforcement; and

**NOW, THEREFORE, BE IT RESOLVED**, That City of Albany Common Council thanks the New York State Legislature for passing, and the for Governor for signing the repeal of section 50-A of the New York Civil Rights Law in relation to the personnel records of police officers, firefighters, and correction officers.

**BE IT FURTHER RESOLVED**, that the Clerk is directed to send a copy of this resolution to our representatives in the State Senate and Assembly and the Governor of New York.

\* Council Member Anane spoke on the Resolution prior to passage.

*Resolution 55.62.20R was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, and Robinson*

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

Council Member Kimbrough on behalf of the Public Safety Committee noticed Resolution 56.61.20R as follows, asked passage and a roll call vote thereon:

#### **RESOLUTION NUMBER 56.62.20R**

#### **RESOLUTION OF THE COMMON COUNCIL APPOINTING NAIROBI VIVES AS A MEMBER OF THE COMMUNITY POLICE REVIEW BOARD**

**WHEREAS**, the Common Council of the City of Albany, pursuant Section 42-334 of Chapter 42 of Part 1 of the Code of the City of Albany, appoints members to the City of Albany Community Police Review Board;

**NOW, THEREFORE, BE IT RESOLVED**, that Nairobi Vives is hereby appointed as a member of the City of Albany Community Police Review Board for a term ending on October 26, 2020.

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

*Resolution 56.62.20R was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, O'Brien, and Robinson*

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

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

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Kimbrough noticed Resolution 57.62.20R as follows, which was held for further consideration:

**RESOLUTION NUMBER 57.62.20R**

**A RESOLUTION HONORING THE LIFE OF WILLIAM HANK WALLACE AND NAMING A PORTION OF LARK STREET “WILLIAM HANK WALLACE WAY”**

**WHEREAS**, William Hank Wallace, known by most as simply “Hank” was the first African American basketball player at West Virginia State College in 1959. While attending college he became the Director of the Collier Playground located on Second Street in the City of Albany; and

**WHEREAS**, in 1961 he became the Co-Founder of the Arbor Hill Softball League and in 1966 was the Co-Founder of the Sons of Arbor Hill. In 1970 Hank became the Director and basketball coach at the after school program located at St. Joseph’s Academy, on the corner of Second and Swan Street in Arbor Hill; and

**WHEREAS**, Hank’s career path lead him to be a gym teacher for Public School #6 and assistant principal at Phillip Livingston Junior High; and

**WHEREAS**, Hank had a passion for softball that became contagious to others. He enjoyed making people happy and seeing them having fun, and he could frequently be found at Arbor Hill Softball Field; and

**WHEREAS**, Hank, a legendary softball pitcher in the Capital Region, educator, coach, mentor, and role model passed away in March 2007 at Albany Memorial Hospital, not far where he would holler “PLAY BALL” while throwing the ball to the pitcher;

**NOW, THEREFORE, BE IT RESOLVED**, that the corner of Lark Street and Livingston Avenue to Lark Street and Manning Boulevard, ending at the Arbor Hill Softball Field be named “William Hank Wallace Way”.

President Pro Tem Kimbrough referred Resolution 57.62.20R to the General Services, Health and Environment Committee for further consideration.

President Pro Tem Kimbrough made a motion, which was duly seconded, requesting Majority Consent to add Resolution 58.62.20R to the agenda. There being no discussion, the motion was adopted by voice vote.

Council Member Robinson noticed Resolution 58.62.20R (MC) as follows, asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 58.62.20R (MC)**

**RESOLUTION OF THE COMMON COUNCIL RENAMING LIVINGSTON PARK TO BLACK LIVES MATTER PARK**

**WHEREAS**, The City of Albany, New York played a role in the horrific history of slavery and during the 18th century, Africans were introduced to Albany due to the Transatlantic Slave Trade; and

**WHEREAS**, during the 18<sup>th</sup> century some city officials traded and owned slaves, including members of the prominent Livingston family of Albany, NY. According James A. Rawley and Stephen Behrendt in the book, The Transatlantic Slave Trade, “from 1729 Members of the Livingston family often in association with others imported small parcels of slaves from Antigua and Jamaica and by mid-century had turned to the African continent as a source for cargos of slaves”; and

**WHEREAS**, Livingston Park is located in the West Hill neighborhood which is predominantly People of Color whose ancestors had to endure the harsh and tragic realities of slavery; and

**WHEREAS**, the vestiges of slavery and racism still permeate throughout the City of Albany, New York encapsulated in names and monuments; and

**WHEREAS**, No one should have to live in the shadows of their oppressors; and

**WHEREAS**, the Black Lives Matter movement challenges us to reexamine our core values as a city and to ensure freedom, liberation, and justice are afforded to people of color living in the City of Albany, New York; and

**NOW, THEREFORE, BE IT RESOLVED**, that in honor of Juneteenth, Livingston Park shall be renamed Black Lives Matter Park as a testament to freedom, liberation, and justice and a place where black life, black history, and black culture can be honored and celebrated.

\* Council Member Robinson spoke on the Resolution prior to passage.

*Resolution 58.62.20R was co-sponsored by Council Members Anane, Balarin, Conti, Fahey, Farrell, Flynn, Frederick, Hoey, Kimbrough, Love, O’Brien, and Robinson*

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

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

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O’Brien, and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Conti noticed Resolution 45.61.20R (**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY AUTHORIZING THE EXECUTION OF A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT BY AND BETWEEN THE CITY OF ALBANY, AND 25 DELAWARE HOUSING DEVELOPMENT FUND COMPANY, INC. AND 25 DELAWARE, LLC**) which had been previously introduced, requested passage and a roll call vote thereon.

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

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

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O’Brien, and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Anane noticed Resolution 48.61.20R *As Amended* which had been previously introduced, requested passage and a roll call vote thereon.

**RESOLUTION NUMBER 48.61.20R (As Amended 06/11/2020)**

**A RESOLUTION OF THE COMMON COUNCIL SUPPORTING HOUSE RESOLUTION 989 GOVERNING BLOOD AND BLOOD PRODUCT DONATION DEMAND THE UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) CHANGE THEIR DISCRIMINATORY POLICIES AS IT RELATES TO BLOOD AND BLOOD PRODUCT DONATION**

**WHEREAS**, in 1983, the Food and Drug Administration (FDA), an agency under the Department of Health and Human Services (HHS), prohibited the donation of blood by any man who has had sex with another man (MSM) at any time since 1977; and

**WHEREAS**, in December 2015, based on recommendations from the HHS Advisory Committee on Blood and Tissue Safety and Availability, the FDA promulgated revised regulations to allow an MSM to donate blood only if he has not been sexually active for the past 12 months; and

**WHEREAS** despite these steps, a double standard remained as the revised policy continued to treat gay and bisexual men differently from others; and

**WHEREAS**, on April 2, 2020, the FDA issued guidance for immediate implementation to address the urgent and immediate need for blood and blood components; and

**WHEREAS** the FDA has changed the recommended deferral period for MSM donors from 12 months to 3 months; and

**WHEREAS** a 3-month deferral policy for gay and bisexual men to donate blood remains overly stringent given the scientific evidence, advanced testing methods, and the safety and quality control measures in place within the different FDA-qualified blood donating centers; and

**WHEREAS** the Williams Institute of the University of California at Los Angeles School of Law estimates that, based on the population of eligible and likely donors among the MSM community, lifting the Federal lifetime deferral policy on blood donation by an MSM could result in as many as 4,200,000 newly eligible male donors, of which 360,600 would likely donate and generate 615,300 additional pints of blood; and

**WHEREAS** the increased uptake of pre-exposure prophylaxis (PrEP), which reduces the likelihood that an HIV-negative individual will acquire HIV, has allowed many more gay and bisexual men to be aware of their HIV-negative status and take steps to effectively eliminate their personal risk of HIV transmission; and

**WHEREAS** more than 4,000 blood drives across the United States have been canceled due to the COVID-19 pandemic, resulting in approximately 130,000 fewer donations; and

**WHEREAS** maintaining an adequate blood supply is vital to public health; and

**WHEREAS** the American Red Cross estimates that every 2 seconds, someone in the United States needs blood; and

**WHEREAS** the American Medical Association has stated that the ethical ideal for public policy in this area should be to transition away from policy that defers categories of persons based on attributing to all members risks associated with a population and toward policy that defers individual donors on grounds of evidence-based risk assessment; and

**WHEREAS** Congress directed the Secretary of HHS to carry out an initiative to improve awareness of the importance and safety of blood donation and the continued need for blood donations during the COVID-19 public health emergency, through passage of the CARES Act; and

**WHEREAS** numerous Federal officials, including Surgeon General Dr. Jerome Adams and the HHS Assistant Secretary for Health Dr. Brett Giroir, have publicly encouraged people to donate blood during the COVID-19 pandemic; and

**WHEREAS** people who have fully recovered from COVID-19 for at least 2 weeks are encouraged to consider donating convalescent plasma, which contains antibodies against the virus; and

**WHEREAS** convalescent plasma is being evaluated as treatment for patients with serious or immediately life-threatening COVID–19 infections, or those judged by a health care provider to be at high risk of progression to severe or life-threatening disease; and

**WHEREAS** the FDA is in the process of again reevaluating and considering updating its blood donor deferral policies as new scientific information becomes available, including the feasibility of moving from the existing identity-based deferrals related to group risk behaviors to alternate deferral options, such as the use of individual risk assessments; and

**NOW, THEREFORE, BE IT RESOLVED**, the City of Albany Common Council supports House Resolution 989 and that policies governing blood and blood product donation in the United States should—

- (1) be grounded in science; (2) no deferral periods; (3) be based on individual risk factors;
- (4) not unfairly single out any group of individuals; and (5) allow donations by all those who can safely do so.

**BE IT FURTHER RESOLVED**, a copy of this resolution shall be transmitted to Alex Azar, Secretary of U.S. Health and Human Services; Dr. Stephen M. Hahn, U.S. Food and Drug Administration Commissioner; Charles Schumer, United States Senator of New York; Kirsten Gillibrand, United States Senator of New York; and Paul Tonko, Member of the United States House of Representatives; Alexandria Ocasio-Cortez, Member of the United State House of Representatives; Capital Pride Center and to In Our Own Voices.

\* Council Member Anane and Conti spoke on the Resolution prior to passage.

*Resolution 48.62.20R As Amended was co-sponsored by Council Members Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, and O'Brien*

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

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

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Robinson noticed Resolution 50.61.20R (MC) (**A RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL CALLING ON ALL AREA LAW ENFORCEMENT TO MAKE SURE THAT STANDARDIZED FIELD SOBRIETY TESTS (SFST) BE ADMINISTERED IN ALL LANGUAGES**) which had been previously introduced, requested passage and a roll call vote thereon.



\* Council Member Robinson, Frederick and Anane spoke on the Resolution prior to passage.

*Resolution 50.61.20R (MC) was co-sponsored by Council Members Conti, Doesschate, Fahey, Farrell, Flynn, Hoey, Igoe, Kimbrough, Love, and O'Brien*

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

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

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, and Robinson

Affirmative 15 Negative 0 Abstain 0

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

#### **COMMON COUNCIL COMMENTS**

Council Member Johnson (Community Center Layoffs)

Council Member Flynn (Public Comment)

Council Member O'Brien (DGS Work on Parks)

Council Member Hoey (Governor Executive Order on Police Reform & Council Member Anane on CNN)

Council Member Frederick (Thank Brenda Baddam for Public Comment & Advocacy)

Council Member Conti (Governor Executive Order on Police Reform)

Council Member Robinson (Removal of Phillip Schuyler Statue)

Council Member Doesschate (Calls on Defunding the Albany Police Department & Finance Meeting)

Council President Ellis (Layoffs, Finance Meeting & Police Reform)

Council Member Kimbrough (Police Reforms & Community Police Review Board)

#### **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 approximately 8:22pm.

**MICHELE ANDRE**

**Senior Legislative Aide to the Council**