

**CITY OF ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING
THURSDAY, February 20, 2020**

The Common Council was convened at 7:03 p.m. and was called to order by President Ellis.

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

Also present was the following staff: Michele Andre, Danielle Gillespie, John-Raphael Pichardo and Sarah Valis

Council President Ellis led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

- 1) Gene Solan, 15 Prospect Albany, NY (Ordinance 44.112.19 – Blood Plasma)
- 2) Syed Zahur, 280 Central Ave, Albany, NY (India Citizenship Act)
- 3) Catina Mazodones, 59 Melrose Ave, Albany, NY (Ordinance 44.112.19 – Blood Plasma)
- 4) Dr. Shaik Ubaid, 360 Shaker Rd & 280 Central Ave, Albany NY (India Citizenship Act)
- 5) Silvia Lilly, 13 Arcadia Ave, Albany NY 12209 (Code Enforcement Process for Residential Occupancy Permits)
- 6) Ashar Ata, 11 Forest Ave, Albany, NY (India's Anti-Muslim Law)
- 7) Alana Klein, 29 Glenwood Street, Albany, NY 12208 (Universal Healthcare)
- 8) Mary Beilby, 9 Davis Ct, Albany, NY 12208 (CCA)
- 9) Tabassum Tusat, 11 Forest Ave, Cohoes (India's CAA)

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

- 10) Zachary Simpson, 175 Homestead Ave, Albany, NY 12206 (Ordinance 44.112.19 – Blood Plasma)
- 11) Maureen McCauly, Danker Ave, Albany, NY 12206 (Ordinance 44.112.19 – Blood Plasma)
- 12) Vincent Rigosu, 13 Beach Ave, Albany, NY (Ordinance 44.112.19 – Blood Plasma)
- 13) Margarct C. Harrigan, 160 Rosemont Street (Ordinance 44.112.19 – Blood Plasma)
- 14) Lynne Jackson, 223 S. Swan, Albany, NY 12202 1) (India Citizenship Act)
- 15) Anne Erling, 242 Woodlawn, Albany, NY (CCA)
- 16) Tina Liberman, 30 Aspen Circle, Albany, NY 12208 (CCA)
- 17) David Kirk Davidoff, 35 Dove Street (CCA)
- 18) Tim Looker, 146 Wintrop Ave (Plasma Center Standards)

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

Approval of Minutes

President Pro Temp Kimbrough made a motion to approve the minutes of January 23, 2020 and February 3, 2020 meetings of the Council, seconded, which was APPROVED by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS:

Council Member Fahey on the behalf Planning, Economic Development and Land Use moved to amend Local Law B – 2020 as follows, and as amended requested it be held:

Local Law B – 2020 (As Amended)

A LOCAL LAW ENACTING CHAPTER 153 OF THE CODE OF THE CITY OF ALBANY ENTITLED COMMUNITY CHOICE AGGREGATION IN RELATION TO AUTHORIZING THE ESTABLISHMENT OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND PROVIDING IMPLEMENTATION THEREOF

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

Section 1. Part II of the Code of the City Of Albany is hereby amended by adding a new chapter 153 entitled “Community Choice Aggregation” to read as follow:

Chapter 153 Community Choice Aggregation

§ 153-1. Purpose.

It is the intent of the City of Albany to establish a Community Choice Aggregation (“CCA”) Program to aggregate the energy supply needs of residents and small commercial customers, and to negotiate and enter into, or authorize its agent to negotiate and enter into, Energy Supply Agreements (“ESAs”) with Energy Service Companies (“ESCOs”) on behalf of eligible citizens to obtain stable, lower-cost energy prices, as well as environmental benefits and/or a community-based solution to meeting our collective energy needs. The purpose of this Local Law is two-fold: to establish a CCA Program in the City of Albany and to adopt certain provisions relating to the creation and implementation of the CCA Program.

§ 153-2. Findings.

- A. New York State’s energy industry is in the midst of a significant transition; a shift away from the old top-down, utility-centered model toward a cleaner, more affordable, more resilient system in which consumers and communities will have a substantial role to play. The State’s ongoing Reforming the Energy Vision (“REV”) initiative emphasizes the importance of reliability and grid-resilience, distributed energy resources, increased renewable generation, and greater opportunity for citizens to take an active role in helping the State reach its energy goals and in making more informed energy choices in their homes, businesses, and communities.

- B. As part of this REV initiative, the New York State Public Service Commission (“NYSPSC”), on April 21, 2016, adopted an Order authorizing cities, towns and villages within the State to create Community Choice Aggregation Programs, by themselves or in concert with other municipalities (hereinafter “NYSPSC Order Authorizing CCAs”), and/or to retain a CCA Administrator to implement the program and negotiate ESAs.
- C. CCA Programs allow communities to take control of their energy supply through an open, transparent and competitive electric supply procurement process driven by the consumers themselves.
- D. A successful CCA Program offers citizens cost savings, more stable energy prices, deterrence of deceptive marketing practices by unscrupulous ESCOs, fair contracts negotiated directly with energy suppliers, and/or the opportunity to pursue goals and initiatives important to the community, such as reliability, grid resiliency, supporting renewable energy generation, cutting greenhouse gas emissions, protecting the State’s natural resources, and improving energy efficiency.
- E. The City of Albany has explored the CCA policy and background and believes it would provide numerous benefits in this community, enhancing the public welfare and making energy more affordable and costs more predictable for our residents.
- F. Therefore, the City of Albany authorizes the creation of a CCA Program that will include an opt-out option for customers in this community for the provision of electric supply service pursuant to the rules of the NYSPSC, as well as other high priority energy related value-added services as may be determined to meet the community’s goals. Customers can opt-out without penalty or fees.

§ 153-3. Authority.

The NYSPSC Order Authorizing CCAs expressly empowers cities, towns and villages in this state to create CCA Programs. Further, the New York Municipal Home Rule Law, Article 2, Section 10, authorizes a municipality to adopt general laws relating to its property, affairs, and government, the protection and enhancement of its physical and visual environment, the protection and well-being of persons within the municipality, and for other authorized purposes.

§ 153-4. Definitions.

- A. **AUTOMATICALLY ELIGIBLE CUSTOMERS:** shall mean customers' accounts in those utility service classes eligible for inclusion in the CCA Program on an opt-out basis, as set forth in the NYSPSC Order Authorizing CCAs, Appendix C, or as otherwise specified by the Commission. Generally, these classes of customers include those receiving residential electric supply service, including those in multi-family housing, certain types of institutions, and some small commercial customers covered by “small general service” class designations. Automatically Eligible Customers shall not include customers' accounts that have already been enrolled in service through an ESCO, enrolled in utility

programs which require them to take supply service from their current utility, or that have a block on their utility account at the time of CCA formation¹; those customers' accounts shall be eligible to participate on an opt-in basis, if they so desire.

- B. **ELIGIBLE CUSTOMERS:** shall mean all automatically eligible customers plus those utility customers eligible for inclusion in the CCA Program on an opt-in basis, as set forth in the NYSPSC Order Authorizing CCAs or otherwise authorized by the Commission. Those customers eligible to participate in the CCA Program on an opt-in basis currently include: those customers already enrolled in service through an ESCO at the time of CCA formation, customers in large commercial, institutional, or industrial utility service classes that cannot be automatically enrolled in the CCA on an opt-out basis, and all other customers not considered “automatically eligible customers.”

References to the broader class of “eligible customers” shall signify the entire pool of customers participating in the aggregation, either because they have been automatically enrolled on an opt-out basis, or because they have affirmatively opted in.

- C. **CCA ADMINISTRATOR:** An agent of the municipality charged with overseeing creation, implementation and operation of a CCA Program, as well as competitively procuring and negotiating Energy Supply Agreements with ESCOs. The CCA Administrator shall be retained by the City of Albany via a separate CCA Administration Agreement and shall work together with the Community Choice Aggregation Oversight Board.
- D. **COMMUNITY CHOICE AGGREGATION (CCA)/CCA PROGRAM:** A Program authorized by the New York State Public Service Commission (NYSPSC) to aggregate residential and commercial electric supply and/or energy related value-added products and services within a given municipality, and/or among multiple municipalities, in order to leverage that energy demand to negotiate favorable Energy Supply Agreements directly with ESCOs. Customers within a CCA Program would no longer purchase their energy supply directly from their utility. However, the utility would continue to deliver energy to these customers, to charge for that delivery, and will retain its transmission and distribution network. The energy supply portion of a customer’s energy service is provided by an ESCO or ESCOs, pursuant to an Energy Supply Agreement competitively procured and negotiated for the CCA Program at large, then delivered to customers via the local utility.
- E. **ENERGY SUPPLY AGREEMENT (ESA):** An agreement between an energy customer and an Energy Services Company (ESCO) to provide electricity service to the customer for a fixed or variable price. For purposes of this Local Law, the CCA Administrator would conduct a competitive procurement on behalf of all eligible customers and would work with the Community Choice Aggregation Oversight Board to enter into an Energy Service Agreement(s) with an ESCO to provide power to all such customers in the

¹ Except Assistance Program Participants (“APPs”), customers enrolled in utility low-income assistance programs who may have blocks on their accounts with their existing utility, but who may still be eligible to participate.

community.

- F. ENERGY SERVICES COMPANY (ESCO): A third-party energy supplier eligible to sell electricity and energy related value-added services to customers in New York State, utilizing the transmission and distribution systems of existing utilities. ESCOs are regulated by the New York State Department of Public Service and the New York State Public Service Commission, and must comply with the New York State Public Service Law.
- G. MUNICIPALITY: Reference to these terms throughout this Local Law indicate the City of Albany unless otherwise noted.
- H. COMMUNITY CHOICE AGGREGATION OVERSIGHT BOARD (CCA OVERSIGHT BOARD): Reference to the board that will oversee the implementation of the CCA program, the CCA administrator, CCA Agreements, among other duties as outlined by this local law.
- I. UTILITY: This term refers to traditional electric and/or natural gas utilities regulated by the New York State Department of Public Service and the New York State Public Service Commission and permitted to provide electric supply, transmission, and distribution services to all customers within their designated service territory. For the purposes of this Local Law, the term “utility” will refer to National Grid.

§ 153-5. Establishing Community Choice Aggregation.

The City of Albany hereby establishes a CCA Program for aggregation of electric supply to serve all eligible customers in its jurisdiction. All automatically eligible customers shall be included in the CCA Program on an opt-out basis, and shall be afforded the opportunity to opt-out of the CCA Program, without penalty and at no cost at any time, with the understanding that after enrollment in the program, the effective date of the opt-out will need to allow for reasonable administrative processing timeframes. All customers who are not automatically eligible to be included in the CCA Program on an opt-out basis shall be permitted to affirmatively opt-in to the program in accordance with the terms of the ESA and/or the NYSPSC Order Authorizing CCAs.

§ 153-6. Community Choice Aggregation Oversight Board established.

There is hereby created a City of Albany Community Choice Aggregation Oversight Board (hereinafter referred to as the “CCA Oversight Board”) for the purposes of overseeing the CCA program and general implementation.

§ 153-7. Scope of Authority and Duties of CCA Oversight Board.

CCA Oversight board shall:

- A. Review and approve the selection of the CCA Administrator, the implementation plan, the education and outreach plan, selection of the ESCO, any and all contracts and supplemental changes to any contracts and plans as provided in this chapter.
- B. Receive timely notices of all proposed actions, plans, changes, and updates relating to the CCA Program.
- C. Together with the CCA Administrator create and follow a Customer Data Protection Plan.
- D. Meet at a minimum of quarterly to receive an update on the CCA from the CCA administrator and report back to the Common Council and the Mayor.
- E. Perform general oversight of the CCA program and public outreach of the CCA program and the CCA administrator.
- F. The board must submit a report 6 months after the initial implementation of the program and thereafter annually to the Common Council and Mayor.

§ 153-8. Membership of the CCA Oversight Board.

- A. The membership of the CCA Oversight Board shall consist of five (5) members comprised of: Two (2) Members of the Common Council selected by the President Pro Tem, the Chair of the Sustainability Advisory Committee or his or her designee, the Chief Planning Official or his or her designee, and a Mayoral appointee who is a resident of the City of Albany.
- B. The Chairperson of this committee shall be chosen amongst the membership by a majority vote.

§ 153-9. Provisions for Implementing CCA Program.

A. Implementation Plan

- 1. The City of Albany CCA Oversight Board with support from its CCA Administrator, will create and follow a CCA Implementation Plan which shall outline the details of how the CCA Program will be created and operated, including how public outreach and education will occur, what rules will apply to the Program, how the procurement process will be implemented, how energy contracts will be selected, and how responsibilities will be divided amongst CCA Administrator, municipality, and eligible customers.
- 2. In accordance with the NYSPSC Order Authorizing CCAs, the CCA Implementation Plan will be reviewed and approved by the Public Service Commission. Such review may involve NYSPSC approval of a generic CCA Implementation Plan, with the understanding that community-specific Appendices would be submitted later and would outline appropriately tailored local education and outreach efforts.

3. Where a generic CCA Implementation Plan will be used, the City of Albany CCA Oversight Board and the CCA Administrator will make community-specific revisions to the Plan's Appendices to ensure the Plan is properly tailored to the needs of the City of Albany's residents. Therefore, prior to or in conjunction with the enactment of this Local Law, and thereafter from time to time, the City of Albany CCA Oversight Board with support from the CCA Administrator, will create and update a CCA Program Opt-Out Letter, as well as an Education and Outreach Plan, as provided in the Implementation Plan Appendix for this community.
4. The City of Albany Opt-Out Letter and Education and Outreach Plan shall conform to those requirements for public outreach, education, and opt-out procedures set forth in the NYSPSC Order Authorizing CCAs, and any other applicable laws or regulations, and shall ensure that the City of Albany and its CCA Administrator engage in a robust effort to educate and inform the community about the CCA Program and their options for participating or opting out.
5. Opt-out letters will be provided to all automatically eligible customers no less than 30 days prior to the time at which those customers would be automatically enrolled in the CCA Program. The letters will be printed on the City of Albany letterhead, in official City of Albany envelopes. The logo of the CCA Administrator and selected ESCO may also be included on these letters, so long as it is clear that the letter is official correspondence from the City of Albany.

B. Public Outreach and Education

1. The City of Albany, the CCA Oversight Board together with its CCA Administrator, will provide public notices, presentations, information sheets, and other forms of outreach, as outlined in the Appendix of the Implementation Plan, to ensure residents are informed about the CCA Program and their options for participating or opting out.
2. Once the CCA Program is operating, the City of Albany, CCA Oversight Board together with the CCA Administrator will continue to engage in public outreach to keep CCA customers informed about any changes to the CCA Program; opportunities for new products or services available through the CCA Program, such as renewable energy buying options; important terms and durations of ESAs; information about the selected ESCOs; and any other matters related to the CCA Program.

C. Customers moving into or out of the Community After CCA Adoption

Residents and small commercial customers who establish utility accounts in this community after the effective date of this Local Law shall be afforded the opportunity to opt-out of the CCA Program within a reasonable time after their utility account is established, in accordance with contractual agreements between the CCA Administrator any ESCO(s) providing

service to the Program. Customers can opt-out without penalty or fee cost at any time, with the understanding that after enrollment in the program, the effective date of the opt-out will need to allow for reasonable administrative processing timeframes.

D. Customer Data Protection

The CCA Administrator together with the CCA Oversight Board will create and follow a Customer Data Protection Plan which ensures that any confidential or sensitive personal customer information provided by the utility to the City of Albany, CCA Oversight board together with its CCA Administrator, and/or the selected ESCO(s), will be given all privacy protections required by law and regulation, and protected from unauthorized release or use to the greatest extent possible. This Customer Data Protection Plan will ensure that the CCA Program and any selected ESCO(s) handle all confidential or sensitive customer data in keeping those customer data protections already afforded by Utility prior to the enactment of this Local Law.

This Plan will also ensure that CCA customer data, such as contact information, is not used for inappropriate purposes, such as solicitation of business unrelated to the CCA Program, its goals and objectives.

§ 153-10. CCA Administrator.

A. CCA Administration Agreement

The City of Albany will enter into a CCA Administration Agreement with its CCA Administrator. Such an agreement will set forth the various rights and responsibilities of the parties and will govern the manner in which the CCA Program is run. This Agreement shall also authorize the CCA Administrator to act as the City of Albany's agent for the purpose of procuring energy supply or other energy related value-added services for CCA Program eligible customers. The CCA Oversight Board shall have oversight, review, and approval authority of the contract and any changes thereafter.

B. Customer Service, Complaints

The CCA Administrator will provide the City of Albany CCA Oversight Board with clear, up-to-date contact information for customer questions, concerns or complaints. The CCA Administrator and CCA Oversight Board shall, from time to time, and/or at the request of the City of Albany's Mayor or Common Council, submit a report regarding customer service matters.

§ 153-11. Compliance with Public Service Law and Regulations.

In accordance with the NYSPSC Order Authorizing CCAs, it shall be the responsibility of the City of Albany, supported by any CCA Administrator that may be under contract, to ensure the CCA Program is operated in compliance with all applicable provisions of the New York State Public Service Law, regulations of the New York State Public Service Commission and/or the New York State Department of Public Service, the Uniform Business Practices (to the extent

applicable), the NYSPSC Order Authorizing CCAs and any other relevant laws or regulations. This provision applies regardless of whether a CCA Administrator is retained to organize and implement the City of Albany's CCA Program. This shall include, but not be limited to, compliance with any reporting requirements related to the CCA Program.

§ 153-12. Review and/or Dissolution of the CCA Program.

- A. The City of Albany will, from time to time, review the CCA Program and its progress to determine how the program is faring, confirm it is affording benefits to the community, and provide information to the public thereon.
- B. The initial term of the ESCO contract will be a minimum of 12 months and a maximum of 36 months. The CCA Administrator shall be responsible for recommending to The Mayor and the CCA Oversight Board, the specific terms and conditions for the initial ESCO contract and any subsequent contracts based upon the proposals received and the best interests of the City's eligible customers and consistency with the goals of the program. Such recommendations shall be transmitted to the Common Council at the same time they are transmitted to the Mayor's office and CCA Oversight Board. The CCA Oversight Board shall have review and approval authority of the contract.
- C. As the expiration of its ESA(s) approaches, or in the event an ESCO provides notice of its intention to terminate an ESA (where authorized by the terms of that ESA), the City of Albany Common Council may consider whether it wishes to discontinue the CCA Program. Dissolution of the CCA Program will require (1) enactment of a Local Law amending or repealing this Local Law, (2) lawful termination of ESAs in accordance with their terms, (3) lawful termination of the CCA Administration Agreement, in accordance with its terms, and (4) at least 60 days' notice to customers that their energy services will be automatically returned to Utility, an effective date upon which such a change would occur, and information on what other options may be available to those customers, if applicable.

§ 153-13. Conflicts.

In the event the New York State Public Service Commission, the State Legislature, or other State agency, enacts laws or regulations regarding the operation of CCAs which are in conflict with this Local Law, the state provisions shall govern.

§ 153-14. Liability.

Nothing in this Local Law shall be read to create liability on the part of the City of Albany related to the provision of electric service to customers. The ESCO selected to provide such service will be ultimately responsible for compliance with all applicable laws, rules, and regulations governing retail energy services, and will assume any liability stemming from the

provision of such service to retail customers, including any potential liability associated with the service itself, customer data and information, and any other matters which would traditionally fall under the purview of a merchant utility providing the same service to customers prior to the formation of the CCA. This Local Law is meant merely to facilitate the creation of an aggregation program in this community. The City of Albany will not assume the role of ESCO or utility in the sale or delivery of energy services.

§153-15. Severability.

Each provision of this Law is severable from the others so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law, which shall nonetheless remain in full force and effect.

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

President Pro Temp Kimbrough held all Local Laws on the pending agenda.

REPORTS OF STANDING COMMITTEES:

Planning, Economic Development and Land Use: Council Member Fahey reported that the committee met prior to tonight's meeting on Local Law B-2020 and Resolution 9.21.20. Local Law B was moved out of committee. Committee will be meeting next week on Resolution 9.21.20.

Council Operations and Ethics: Council Member Conti reported that the committee will meet on February 27, 2020 to review and vote on Ordinance 34.101.19 that raise the fee for birth and death records to \$15 and Resolution 11.21.20R (MC) that recognize the City of Albany Legislative Black and Hispanic Caucus.

CONSIDERATION OF ORDINANCES

Council Member Love noticed the introduction of Ordinance 2.22.20 as follows, which was held for further consideration:

Ordinance Number 2.22.20

AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE SALE TO ROY VINCENT OF A CITY OWNED VACANT LOTS AT 187 HENRY JOHNSON BOULEVARD, 217 THIRD STREET AND 219 THIRD STREET

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

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the undeveloped parcel at 187 Henry Johnson Boulevard,

parcel identification number 65.65-1-11, be sold at private sale to Roy Vincent.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the undeveloped parcel at 217 Third Street, parcel identification number 65.65-1-13, be sold at private sale to Roy Vincent.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 3. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the undeveloped parcel at 219 Third Street, parcel identification number 65.65-1-14, be sold at private sale to Roy Vincent.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 4. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.

Section 5. The form, content, terms and conditions of such conveyances shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

Section 6. This ordinance shall take effect immediately.

President Pro Temp Kimbrough referred Ordinance 2.22.20 to the Finance, Assessment and Taxation Committee for further consideration.

Council Member O'Brien made a MOTION TO DISCHARGE Ordinance 44.112.19 from the Planning, Economic Development and Land Use Committee for a vote (**AN ORDINANCE AMENDING PARAGRAPH B (PERMITTED USE TABLE) AND PARAGRAPH C (USE-SPECIFIC STANDARDS) OF PART 3 (USE REGULATIONS) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) AND PART 6 (DEFINITIONS AND RULES OF CONSTRUCTION) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE OPERATION OF BLOOD PLASMA CENTERS**)

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, Doeschate, Fahey, Farrell, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member O’Brien noticed Ordinance 44.112.19As Amended asked passage and a roll call vote thereon:

ORDINANCE NUMBER 44.112.19 As Amended

AN ORDINANCE AMENDING PARAGRAPH B (PERMITTED USE TABLE) AND PARAGRAPH C (USE-SPECIFIC STANDARDS) OF PART 3 (USE REGULATIONS) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) AND PART 6 (DEFINITIONS AND RULES OF CONSTRUCTION) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE OPERATION OF BLOOD PLASMA CENTERS

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

Section 1. Paragraph B (Permitted Use Table); Paragraph C (Use-Specific Standards) of Part 3 of Chapter 375 and Part 6 (Definitions and Rules of Construction) of Chapter 375 (Unified Sustainable Development) of the Code of the City of Albany is amended to read as follows:

Section 375-3 USE REGULATIONS

(B) PERMITTED USE TABLE

Table 375-1: Permitted Use Table																			
P=Permitted Use C=Conditional Use A=Accessory Use T=Temporary Use V=Vacant Property Use																			
Proposed Zoning District	Residential						Mixed-Use						Special Purpose			Use-Specific Standard in Section 375-3			
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS		MU-FM	I-1	I-2
LAND USE CATEGORY																			
OFFICE & SERVICES																			

Retail																								
Blood Plasma Center																		C	C	C	C			(C)(4)(d)(1)

(C) USE-SPECIFIC STANDARDS Section 375-3(C)(4)(d)

(i) BLOOD PLASMA CENTER

A. Facilities must be at least 1,000 feet from the nearest boundary line of a lot with a Household Living use, a Group Living use, a Religious Institution or a School or a Park;

B. All equipment, samples and products must be stored inside the building;

C. Facilities must provide and follow a management plan for handling litter, indoor queuing, security and loitering.

D. Facilities shall include a waiting and departure lounge sufficient in size, but a minimum of one thousand (1,000) square feet, to accommodate all scheduled donors within one hour of their appointment and one hour after, as well as any anticipated drop-in customers. Such waiting areas shall include restroom facilities and be open at least one hour prior to the opening of the center for the use of waiting patrons.

E. Facilities shall continuously comply with all applicable laws and regulations for safe disposal of blood products and human tissue and shall provide and follow written protocols for such compliance. Facilities shall continuously comply with all applicable licensing and certification requirements, including those of the Albany County and New York State Health Departments.

Section 375-6 DEFINITIONS AND RULES OF CONSTRUCTION

Section 375-6(B) DEFINITIONS

BLOOD PLASMA CENTER

A facility used for the extraction of blood, blood plasma, or blood components from human beings for commercial for-profit purpose and that is not an accessory to a medical clinic or hospital.

LIGHT MANUFACTURING

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards discernible outside of the building or lot where such assembly, fabrication, or processing takes place, and that do not require frequent rail or truck traffic to deliver goods or remove materials or waste, and where such processes are housed entirely within a building. This shall not include a Blood Plasma Center.

Section 2. This ordinance shall take effect ~~thirty (30) days~~ immediately after enactment.

Council Members O'Brien, Johnson, Farrell, Balarin, Hoey and Anane spoke on the Ordinance prior to passage.

**Ordinance 44.112.19 As Amended was co-sponsored by Council Members Balarin, Farrell, Hoey, Igoe, Johnson, and Love*

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

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

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

Affirmative 14 Negative 0 Abstain 0

President Pro Temp Kimbrough held the pending Ordinances on the agenda for further consideration.

CONSIDERATION OF RESOLUTIONS

Council Member Anane noticed Resolution 14.22.20R as follows, which was held for further consideration:

RESOLUTION NUMBER 14.22.20R

A RESOLUTION SUPPORTING ASSEMBLYMEMBER FAHY'S LEGISLATION DIRECTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY ON THE FEASIBILITY OF REMOVING INTERSTATE 787 AND REPLACING IT WITH A TRAFFIC FEATURES THAT WILL ALLOW EASIER ACCESS TO THE HUDSON RIVER WATERFRONT AND PROVIDE REASONABLE TRAFFIC OPERATIONS.

WHEREAS, A.09122 sponsored by Assemblymember Fahy, directs the Department of Transportation to conduct a study to determine the feasibility of removing Interstate 787 and replacing it with traffic features increasing waterfront access and reducing traffic congestion; and,

WHEREAS, as with many of the highways across the nation built in the 1950s and 60s as part of the Interstate Highway System, I-787 was built to provide a more direct route for commuters into downtown Albany from the suburbs and surrounding areas. However, the costs of I-787 to Capital Region residents have been significant and detrimental. Repair costs to the current infrastructure are already slated at almost \$900 million; and,

WHEREAS, while Buffalo, Rochester and Syracuse have all recently undergone transformational project revitalizing their waterfront, Albany's access to the Hudson has been stymied for years and has limited the potential of the region for years. Removing or retooling I-787 would allow communities from Albany to Rensselaer to Troy to unlock their economic potential and foster regional cooperation; and,

WHEREAS, this legislation aims to study the feasibility of replacing I-787 with options that increase pedestrian accessibility and access to the waterfront. This follows earlier recommendations made by a planning study previously conducted by the Capital District Transportation Commission. The study will focus on engineering feasibility and cost estimates. The Department of Transportation will issue a report and make recommendations on the replacement of I-787; and

WHEREAS, many cities across the country have seen success in opening up access to waterfronts that were blocked by highways - in terms of increased tourism, real estate

development, opportunities for recreational space. The possibility of regaining waterfront access in the city of Albany, has the potential to accelerate the already significant growth in new developments and help grow the tax base.

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby calls upon our State elected officials to support and sign A.09122 into law.

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

MISCELLANEOUS AND UNFINISHED BUSINESS:

President Pro Temp Kimbrough 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, 2020, AND WAIVE THE READING OF THE NAMES:

Chabrier, Antonio, 18 Sparkill Ave, Albany, NY 12209
Cushing, Brendan John, 141 Jay Street, Apt.4, Albany, NY 12210

COMMON COUNCIL COMMENTS:

The following Council Members commented on the following topics:
Council Member Balarin (Thanked the Council for kind words and spoke on India's Citizenship Act)

ADJOURNMENT

There being no further business, President Pro Temp Kimbrough made a motion to adjourn, which was duly seconded and adopted by unanimous voice vote. President Ellis declared the meeting adjourned at approximately 8:35 pm.

MICHELE ANDRE
Senior Legislative Aide to the Council