



## **MINUTES OF A REGULAR MEETING MONDAY, March 2, 2020**

The Common Council was convened at 7:01 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, Fahey, Farrell, Frederick, Hoey, Igoe, Johnson, Kimbrough, O'Brien, and Council President Ellis

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

Council President Ellis led the Pledge of Allegiance.

### **PUBLIC COMMENT PERIOD**

- 1) Marlon Anderson, 214 Lark Street, Albany, NY (Store Closure)
- 2) Ashar Ata (India Citizenship Law – Res. 20.31.20R)
- 3) Sana Savadatii, 25 New Jersey, Rensselaer, NY (Res. 20.31.20R)
- 4) Syed Zahar, 280 Central Ave, Albany, NY 12206 (Resolution 20.31.20R)
- 5) Vazir Patha, 280 Central Ave (Resolution 20.31.20R)
- 6) Charles Obar Robinson, 404 Livingston Ave, Albany, NY (First & Lex)
- 7) Ata Ashar, 11 Forest Ave, Albany, NY (Resolution 20.31.20R)
- 8) Seena Syeda, 38 Patroon Place, Albany, NY (Resolution 20.31.20R)
- 9) Carol Tansey, 115 Krumkill Rd (Community Choice Aggregation (CCA))
- 10) Nancy R. Benedict, 31 Forest Road, Delmar, NY 12054 (Res.6.21.20R)
- 11) Reyaz Shaik, Watervliet, NY (Resolution 20.31.20R)

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.

- 12) Dr. Shaik Ubaid, 360 Shaker Rd, Albany, NY (India Citizenship Law)
- 13) Vincent Rigosu, 13 Beach Ave, Albany, NY 12203 (Oppose CCA)
- 14) Anne Erling, Woodlawn, NY (CCA)
- 15) Ahmed Syed, 38 Patroon Place, Albany, NY (Resolution 20.31.20R)
- 16) Asma Arif, 280 Central Ave, Albany, NY (Resolution 20.31.20R)
- 17) Britany Orlebelle, 263 S. Main Ave, Albany, NY 12208 (CCA)

- 18) Diana Wright, 36 Summit Ave, Albany, NY (CCA)
- 19) Ewa Sobczynswka, 87 Sprint St, Albany, NY 12210 (CCA)
- 20) Ambarien Aloodar, Rochester, NY (Resolution 20.31.20R)
- 21) Peter Cook, 41 Greyledge Drive, Albany, NY (Resolution 20.31.20R)

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

### **Approval of Minutes**

President Pro Tem Kimbrough made a motion to approve the minutes of February 20, 2020 meeting of the Council, which was duly seconded, and APPROVED by unanimous voice vote.

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

Council Member Farrell noticed the introduction of Local Law D - 2020 as follows, which was held for further consideration:

#### **LOCAL LAW D – 2020**

#### **A LOCAL LAW AMENDING ARTICLE III (SENIOR CITIZEN TAX EXEMPTION) OF CHAPTER 333 (TAXATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE FILING OF APPLICATION FOR EXEMPTION**

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

**Section 1. Section 333.37 (Filing of Application on or before taxable status date) of Chapter 333 (Taxation) of the Code of the City of Albany is amended to read as follows:**

At least 60 days prior to the appropriate taxable status date, the assessing authority shall mail to each person who was granted exemption pursuant to this article on the latest completed assessment roll an application form and a notice that such application must be filed ~~on or before the taxable status date and be approved in order for the exemption to be granted in accordance with Real Property Tax Law § 467(8). In the case of the 2020 Assessment Roll, the deadline to submit applications shall be the last day to pay school taxes without interest in accordance with RPTL § 467(8-a).~~ in accordance with Real Property Tax Law § 467(8). In the case of the 2020 Assessment Roll, the deadline to submit applications shall be the last day to pay school taxes without interest in accordance with RPTL § 467(8-a).

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

President Pro Tem Kimbrough referred Local Law D - 2020 to the Finance, Assessment and Taxation Committee for further consideration.

Council Member Fahey noticed Local Law B – 2020 *As Amended* (A LOCAL LAW CREATING CHAPTER 376 OF THE CODE OF THE CITY OF ALBANY (COMMUNITY CHOICE AGGREGATION) AUTHORIZING THE CREATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND ADOPTING CERTAIN

**PROVISIONS TO FACILITATE PROGRAM IMPLEMENTATION)** which had been previously introduced, requested passage and a roll call vote thereon.

\* Council Members Fahey, Farrell, Igoe, Balarin, Johnson and O'Brien spoke on the Local Law prior to passage.

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

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

Affirmative – Anane, Conti, Fahey, Farrell, Frederick, Hoey, Igoe and Kimbrough

Negative – Johnson

Present – Balarin, and O'Brien

Affirmative 8 Negative 1 Present 2

Council Member Conti moved to amend Local Law C - 2020 as follows, and as amended was held for further consideration:

**LOCAL LAW C-2020 As Amended**

**A LOCAL LAW AMENDING ARTICLE XIV (GENERAL PROVISIONS) OF PART 6 (DEPARTMENT OF ADMINISTRATIVE SERVICES) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMPLOYEE DIVERSITY TRAINING**

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

**Section 1. Subsection A of section 42-108 (Department Scope, powers and duties) of Part 6 (Department of Administrative Services) of Article XIV (General Provisions) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended by adding a new paragraph (9) to read as follows:**

(9) Diversity training: notwithstanding any inconsistent provision of this code, to ensure that all city employees receive annual diversity training on issues including, but which need not be limited to: race; racial equity; inclusion; religious affiliation or identification; disability; national origin; sexual orientation; gender; and, gender identity or expression.

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

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

**REPORTS OF STANDING COMMITTEES:**

**Law, Building and Code Enforcement:** Council Member Igoe reported the Committee will meet on March 9, 2020 at 5:30PM on Local Law C – 2020 that provides for annual employee diversity training.

**Finance, Assessment and Taxation:** Council Member Farrell reported that the committee met prior to tonight’s meeting on Resolution 3.12.20, 8.21.20, 10.21.20 and 12.21.20(MC). Resolution 3.12.20, 8.21.20, 10.21.20 and 12.21.20(MC) were moved out of committee.

**Council Operations and Ethics:** Council Member Conti reported that the committee met on February 27, 2020 to review and vote on Ordinance 46.122.19 that raises the fee for birth and death records to \$15 and Resolution 11.21.20R (MC) that recognizes the City of Albany Legislative Black and Hispanic Caucus. Resolution 11.21.20R (MC) was moved out of committee without recommendation and Ordinance 46.122.19 was moved out of committee with a positive recommendation.

**CONSIDERATION OF ORDINANCES**

Council Member Conti noticed Ordinance 34.101.19 (**AN ORDINANCE CREATING A NEW ARTICLE VI (BIRTH AND DEATH RECORDS) OF ARTICLE IV (CERTIFICATES OF MARRIAGE) OF CHAPTER 245 (LICENSES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SETTING THE FEE FOR THE COST OF BIRTH AND DEATH RECORDS**) which had been previously introduced, requested passage and a roll call vote thereon.

\* Council Members Conti and Anane spoke on the Ordinance prior to passage.

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 – Conti, Fahey, Farrell, Frederick, Hoey, Igoe, Kimbrough, and O’Brien

Negative – Anane, Balarin,

Affirmative 8 Negative 2 Abstain 0

Council Member Igoe on the behalf of Law, Building and Code Enforcement **WITHDREW** Ordinance 46.122.19 (**AN ORDINANCE AMENDING CHAPTER 133 (BUILDING CONSTRUCTION) IN RELATION TO VACANT BUILDINGS CODE ENFORCEMENT**), which had been previously introduced.

Council Member O’Brien made a motion, which was duly seconded, requesting Majority Consent to add Ordinance 3.31.20 (MC) to the agenda. There being no further discussion, the motion was adopted by voice vote.

\* Council Members O’Brien spoke on the Ordinance prior to introduction.

Council Member O’Brien noticed Ordinance 3.31.20 (MC) as follows, which was held for further consideration:

**ORDINANCE NUMBER 3.31.20 (MC)**

**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

<b>Table 375-1: Permitted Use Table</b>																			
<b>P=Permitted Use   C=Conditional Use   A=Accessory Use   T=Temporary Use   V=Vacant Property Use</b>																			
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																			
<b>OFFICE &amp; SERVICES</b>																			
<b>Retail</b>																			
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 immediately and deemed to have been in full force and effect on or after January 1, 2020.

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

## **CONSIDERATION OF RESOLUTIONS**

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Resolution 15.31.20R as follows, which was held for further consideration:

### **Resolution Number 15.31.20R**

#### **RESOLUTION OF THE COMMON COUNCIL CONSENTING TO A TITLE CHANGE FOR CERTAIN POSITIONS FOR THE 2020 BUDGET (Treasurer)**

**WHEREAS**, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary rate or salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

**WHEREAS**, the Treasurer's Office has requested amendments to the 2020 budget to reflect a title change from "Administrative Assistant" to "Account Clerk".

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the transfer of funds affecting salary totals due to the elimination of the current position of Administrative Assistant and the creation of one additional position of Account Clerk within the Office of the Treasurer for the 2020 budget year.

President Pro Tem Kimbrough referred noticed Resolution 15.31.20R to the Finance, Assessment and Taxation Committee for further consideration.

Council Member Anane noticed Resolution 16.31.20R as follows, asked passage and a roll call vote thereon:

### **RESOLUTION NUMBER 16.31.20R**

#### **A RESOLUTION OF THE CITY OF ALBANY'S COMMON COUNCIL CALLING ON THE NEW YORK STATE LEGISLATURE AND NEW YORK STATE GOVERNOR ANDREW M. CUOMO TO PROVIDE THE CITY OF ALBANY WITH ITS FAIR SHARE OF UNRESTRICTED STATE AID AND MAKE PERMANENT \$12.5 MILLION IN CAPITAL CITY FUNDING**

**WHEREAS**, as the Capital City of the State of New York, 64% of the property in the City of Albany is tax-exempt and nearly 60% of that property is owned by the State; and

**WHEREAS**, thousands of State employees commute into the City of Albany from nearby municipalities daily, the City hosts tens of thousands of visitors coming to engage in business with State entities and the City is called upon to assist in facilitating a number of rallies, marches and protests by outside interest groups visiting the New York State Capitol each year; and

**WHEREAS**, the City of Albany receives less state aid as a percentage of its municipal

general fund than every other large upstate city, with the exception of Schenectady; and

**WHEREAS**, the City of Albany receives less Aid and Incentives for Municipalities (AIM) per capita than any other city with at least 48,000 residents, and that disparity only grows when you take into account the City of Albany's daytime population; and

**WHEREAS**, the lack of adequate state aid results in significant strain on vital services that both residents and visitors of the City of Albany rely on every day; and

**WHEREAS**, the cost of maintaining roads and sidewalks, providing police, fire and emergency services to State entities falls upon the tax paying residents of our Capital City; and

**WHEREAS**, the City of Albany is constantly striving to make financially prudent choices which can be seen in the fact that the City's budget has only increased by a total of 0.48% over the last 5 years; and

**WHEREAS**, Albany certainly has its fair share of challenges, evidenced by the fact that the City is home to more than 1,000 vacant buildings, a median household income of less than \$44,000 and a poverty rate of almost 25%; and

**WHEREAS**, these challenges along with the inequity in state funding puts the City in a precarious position most of which is no result of the City's own actions but rather the fact that the Capital City is forced to return to the Legislature and Governor year after year to ask for what is rightfully owed to those who call Albany home; and

**NOW THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby calls upon the New York State Legislature and Governor Andrew M. Cuomo to pay the State's fair share by including in the 2021 State Budget, \$12.5 million in Capital City Funding for the City of Albany; and

**BE IT FURTHER RESOLVED**, the Common Council of the City of Albany wishes to see this Capital City Funding be made permanent, so Albany residents are relieved of their unfair and inequitable tax burdens while also allowing Albany the chance to continue to flourish and thrive as the Capital of the State of New York.

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

*\* Resolution 16.31.20 was co-sponsored by Council Members Balarin, Conti, Fahey, Farrell, 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 vote of all Council Members present voting in favor thereof:



Affirmative – Anane, Balarin, Conti, Fahey, Farrell, Frederick, Hoey, Igoe, Kimbrough, and O’Brien

Affirmative 10 Negative 0 Abstain 0

President Pro Tem Kimbrough on the behalf of Council Member Doesschate noticed Resolution 17.31.20R as follows, which was held for further consideration:

**Resolution Number 17.31.20R**

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

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

**WHEREAS**, the Albany Community Development Agency has prepared the Annual Action Plan for the Community Development Block Grant Program Year 46 in accord with a public hearing held on \_\_\_\_\_; and

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

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

**BE IT FURTHER RESOLVED**, that the Common Council hereby adopts the Action Plan for the Community Development Block Grant Program Year 46 as prepared by the Albany Community Development Agency, together with and including all understandings and assurances required thereby.

President Pro Tem Kimbrough referred noticed Resolution 17.31.20R to the Housing and Community Development Committee for further consideration.

Council Member Igoe noticed Resolution 18.31.20R as follows, asked passage and a roll call vote thereon:

**Resolution Number 18.31.20R**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY RATIFYING AN AGREEMENT OF ADJUSTMENT AND RELEASE OF OWNER AND AUTHORIZING THE MAYOR TO EXECUTE CLOSING PAPERS ON BEHALF OF THE CITY OF ALBANY**

**WHEREAS**, the State of New York has taken or is in the process of taking a portion of the land owned by the City of Albany through the process of eminent domain for the purposes of improving 900 New Scotland Avenue and south of Route 85;

**WHEREAS**, the State has offered to pay the City of Albany the sum of \$4,900.00 for a portion of the City of Albany's property along 900 New Scotland Avenue and south of Route 85 as depicted on Map 496, as Parcel(s) 597, 598, 599, 600;

**WHEREAS**, an agreement to accept said money (an Agreement of Adjustment and Release of Owner has been signed on behalf of the City of Albany by Marisa Franchini;

**WHEREAS**, the Common Council of the City of Albany is the governing body of the City of Albany; and

**WHEREAS**, the Common Council is meeting on this third day of March, 2020, after proper notice to consider this matter; and

**WHEREAS**, the City of Albany wishes to ratify the Agreement of Adjustment and Release of Owner and to appoint Kathy Sheehan, Mayor, as the person to execute closing papers on behalf of the City of Albany;

**NOW, THEREFORE, BE IT RESOLVED**, that the Agreement of Adjustment and Release of Owner is hereby accepted and ratified;

**BE IT FURTHER RESOLVED**, that Kathy Sheehan is hereby designated as the person to execute any and all closing papers with regard to this transfer to the state of New York.

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

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

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

Affirmative 10 Negative 0 Abstain 0

Council Member Igoe on the behalf of Council Member Flynn noticed Resolution 19.31.20R as follows, asked passage and a roll call vote thereon:

**Resolution Number 19.31.20R**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY  
RATIFYING AN AGREEMENT OF ADJUSTMENT AND RELEASE OF OWNER AND  
AUTHORIZING THE MAYOR TO EXECUTE CLOSING PAPERS ON BEHALF OF  
THE CITY OF ALBANY**

**WHEREAS**, the State of New York has taken or is in the process of taking a portion of the land owned by the City of Albany through the process of eminent domain for the purposes of improving Rear 2 O’Neil Road;

**WHEREAS**, the State has offered to pay the City of Albany the sum of \$1,100.00 for a portion of the City of Albany’s property along Rear 2 O’Neil Road as depicted on Map 495, as Parcel 596;

**WHEREAS**, an agreement to accept said money (an Agreement of Adjustment and Release of Owner has been signed on behalf of the City of Albany by Marisa Franchini;

**WHEREAS**, the Common Council of the City of Albany is the governing body of the City of Albany; and

**WHEREAS**, the Common Council is meeting on this third day of March, 2020, after proper notice to consider this matter; and

**WHEREAS**, the City of Albany wishes to ratify the Agreement of Adjustment and Release of Owner and to appoint Kathy Sheehan, Mayor, as the person to execute closing papers on behalf of the City of Albany;

**NOW, THEREFORE, BE IT RESOLVED**, that the Agreement of Adjustment and Release of Owner is hereby accepted and ratified;

**BE IT FURTHER RESOLVED**, that Kathy Sheehan is hereby designated as the person to execute any and all closing papers with regard to this transfer to the state of New York.

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

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

Affirmative – Anane, Balarin, Conti, Fahey, Farrell, Frederick, Hoey, Igoe, Kimbrough, and O’Brien

Affirmative 10 Negative 0 Abstain 0

Council Member Balarin noticed Resolution 20.31.20R as follows, asked passage and a vote thereon:

## **RESOLUTION NUMBER 20.31.20R**

### **A RESOLUTION REAFFIRMING THE CITY OF ALBANY AS A WELCOMING CITY, EXPRESSING THE COMMON COUNCIL'S SOLIDARITY WITH ALBANY'S SOUTH ASIAN COMMUNITY REGARDLESS OF RELIGION AND CASTE, AND OPPOSING INDIA'S NATIONAL REGISTER OF CITIZENS AND CITIZENSHIP AMENDMENT ACT**

**WHEREAS**, it has come to the attention of the Common Council of the City of Albany that on December 11, 2019, the Indian parliament passed the Citizenship Amendment Act (CAA), which for the first time uses religion as a criterion for Indian citizenship; and

**WHEREAS**, the City of Albany is a welcoming city and expresses solidarity with Albany's South Asian community regardless of religion and caste; and

**WHEREAS**, while the far-right Bharatiya Janata Party (BJP) government of Indian Prime Minister Narendra Modi claims this policy will help refugees fleeing religious persecution from neighboring countries, it blatantly discriminates against citizenship based on religion, favoring Hindu, Buddhist, Jain, Parsi, and Christian immigrants, while excluding Muslim people; and

**WHEREAS**, in August 2019, Modi's right-wing government forced nearly two million people in the northeastern state of Assam to prove with documentary evidence their Indian citizenship or face detention at mass prisons and detention camps that the Indian government has begun to build and fill; and

**WHEREAS**, a nationwide expansion of this policy could strip hundreds of millions of people (disproportionately Muslim, oppressed castes, women, indigenous and LGBTQ+ communities) of their citizenship rights with no option to be re-naturalized; and

**WHEREAS**, protests in India against this policy have faced repression including reports that in the state of Uttar Pradesh, police fatally fired live ammunition at demonstrators and arrested thousands, and reports that police destroyed Muslim homes in several cities; and

**WHEREAS**, in September 2019, President Trump hosted a "Howdy Modi" rally in Houston alongside Prime Minister Modi, in what the Washington Post ominously reported was, "the largest-ever gathering with a foreign political leader in the United States," demonstrating the growing threat of far-right racist politicians building solidarity around the world; and

**WHEREAS**, the Modi regime's repressive and racist policies are inconsistent with Albany's values as a city that welcomes South Asian communities of all castes and religions; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council expresses solidarity with the City of Albany's South Asian community regardless of religion and caste, acknowledging the pain and hurt felt by members of the South Asian community as a result of these policies, and opposing the National Register of Citizens and the Citizenship Amendment

Act in India; and

**BE IT FURTHER RESOLVED**, that the Common Council calls for the Parliament of India to uphold the Indian constitution by repealing the Citizenship Amendment Act, stopping the National Register of Citizens, and taking steps towards helping refugees by ratifying various UN treaties on refugees; and

**BE IT FURTHER RESOLVED**, that the Common Council urges our congressional delegation to support legislation censuring the Republic of India for adopting these policies; and be it further

**BE IT FURTHER RESOLVED**, that the City Clerk hereby is requested to forward a suitably engrossed copy to City of Albany's Congressional Delegation on behalf of the entire Common Council.

\* Council Members Balarin, and Anane spoke on the Resolution prior to passage.

*\* Resolution 20.31.20 was co-sponsored by Anane, Balarin, Conti, Fahey, Farrell, Frederick, Hoey, Igoe, Kimbrough, and O'Brien*

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

Council Member Conti noticed Resolution 21.31.20R as follows, which was held for further consideration:

#### **RESOLUTION NUMBER 21.31.20R**

#### **RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE REMISSION OF INTEREST AND PENALTIES REGARDING 2018 PROPERTY TAXES DUE TO THE CITY OF ALBANY FOR THE PROPERTY LOCATED AT 286-288 LARK STREET AND REQUESTING THAT THE ALBANY COUNTY LEGISLATURE PASS LEGISLATION AUTHORIZING SUCH CANCELLATION OF INTEREST AND PENALTIES**

**WHEREAS**, property taxes due on the property located at 286-288 Lark Street (Tax Map #76.31-2-75) by Precise Fiscal Intermediary Services LLC, the owner of record of said property, have not been remitted in a timely manner; and

**WHEREAS**, such delinquency is due in part to the inadvertent provision of a 2018 property tax paid receipt dated December 29, 2017 provided the owner of said property at the time remaining 2017 liabilities were being paid as part of a property ownership transfer: and

**WHEREAS**, as the result of such receipt, the property owner was under the impression that 2018 property tax liabilities had been satisfied; and

**WHEREAS**, subsequent notification of property tax payment delinquencies were not

timely received by the property owner due to ownership records that were not timely updated to reflect the property transfer that occurred at the close of 2017, resulting in late payment notifications being sent to the prior owner; and

**WHEREAS**, the current property owner has only recently become aware of the delinquency in payment of the 2018 property tax as a result of notification from the Albany County Division of Finance of the delinquency and accrued interest and penalty liabilities; and

**WHEREAS**, the delinquency occurred through no fault of the current property owner, who is otherwise current on a timely basis for the payment of property taxes for the years 2019 and 2020; and

**WHEREAS**, Section 1182 of the New York State Real Property Tax Law (RPTL) authorizes that if the governing body of any tax district shall determine that it is for the best interests of the tax district, it shall have the power, by resolution, to authorize the enforcing officer to permit the cancellation in whole or in part of any interest, penalties or other charges imposed by law to which the tax district or any other municipal corporation shall be lawfully entitled; provided, however, that in cases where such interest, penalties, or other charges, if collected by the tax district, belong to a municipal corporation therein, no reduction or remission in whole or in part of such interest, penalties, or other charges shall be made without the consent of the municipal corporation affected, which consent may be given by resolution adopted after a public hearing; and

**WHEREAS**, the Common Council of the City of Albany, as the municipal corporation affected, consents to the remission of interest as it pertains to the 2018 property taxes which were due to the City of Albany for the property located at 286-288 Lark Street on or before January 31, 2018 and that would otherwise have been remitted from February 1 through and including February 28, 2018; and

**WHEREAS**, the Common Council requests that the Albany County Legislature, as the governing body of the tax district, pass legislation authorizing the appropriate County Officials to permit the cancellation of any interest imposed by law to which the City is lawfully entitled regarding the payment of the 2018 property taxes for the property located at 286-288 Lark Street which were otherwise due to the City of Albany on or before January 31, 2018 and that are remitted from February 1 through and including February 28, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany, as the municipal corporation affected, consents to the remission of interest as it pertains to the 2018 property taxes which were due to the City of Albany on or before January 31, 2018 and that are remitted from February 1 through and including February 28, 2018 by Precise Fiscal Intermediary Services LLC, the owner of record for the property located at 286-288 Lark Street; and

**BE IT FURTHER RESOLVED**, that the Common Council requests that the Albany County Legislature, as the governing body of the tax district, pass legislation authorizing the appropriate County officials to permit the cancellation of any interest imposed by law to which the City is lawfully entitled regarding the payment of the 2018 property taxes which were due to

the City of Albany on or before January 31, 2018 and that are remitted from February 1 through and including February 28, 2018 for said property.

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Resolution 22.31.20R as follows, which was held for further consideration:

**Resolution 22.31.20R**

**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY, SOCIAL SECURITY, AND OVERTIME FOR CERTAIN POSITIONS IN THE BUILDINGS AND REGULATORY COMPLIANCE DEPARTMENT FOR THE 2020 BUDGET**

**WHEREAS**, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

**WHEREAS**, the City’s Budget Director has requested amendments to the 2020 proposed budget as follows:

From:	A.9000.7861	\$48,628	Health Insurance -Retirees
	A.9000.7810	\$48,628	NYS Employee Retirement
To:	A.3620.7000	\$77,525	Salaries
	A.3620.7801	\$5,931	Social Security
	A.3620.7199	\$13,800	Overtime

**WHEREAS**, a union contract settlement agreement has been reached between the City of Albany and the Civil Service Employees Association, Inc., AFSCME, Local 1000, AFL-CIO affecting the salaries and benefits of the City’s Buildings and Code Inspectors for the term of January 1, 2020 to December 31, 2021.

**WHEREAS**, the new salary totals result from a negotiated 12% increase for the period of January 1, 2020 through December 31, 2020 and an additional 2% increase to take place for the period of January 1, 2021 through December 31, 2021.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary totals for various positions as detailed above for the 2020 budget year.

President Pro Tem Kimbrough referred noticed Resolution 22.31.20R to the Finance, Assessment and Taxation Committee for further consideration.

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Resolution 3.12.20R (**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN**

**ADJUSTMENT IN SALARY FOR CERTAIN POSITIONS FOR THE 2020 BUDGET (APD))** 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 motion was **ADOPTED**:

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

Affirmative – Anane, Balarin, Conti, Fahey, Farrell, Frederick, Hoey, Igoe, Kimbrough, and O’Brien

Affirmative 10 Negative 0 Abstain 0

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Resolution 8.21.20R (**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A FULL TIME POSITION WHICH WILL AFFECT A SALARY TOTAL FOR THE 2020 BUDGET (Corporation Counsel)**) 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 motion was **ADOPTED**:

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

Affirmative – Anane, Conti, Fahey, Farrell, Frederick, Hoey, Igoe, Kimbrough, and O’Brien

Affirmative 9 Negative 0 Abstain 0

Council Member Fahey noticed Resolution 9.21.20R *As Amended*, as follow and ask a roll call vote thereon:

**Resolution Number 9.21.20R *As Amended***

**RESOLUTION ADOPTING COMMUNITY CHOICE AGGREGATION PROGRAM EDUCATION AND OUTREACH PLAN AND CUSTOMER OPT-OUT LETTER**

**WHEREAS**, the City of Albany has established a Community Choice Aggregation (“CCA”) Program to aggregate the energy supply needs of residents and small commercial businesses, and to negotiate and enter into energy supply contracts with Energy Service Companies (“ESCOs”) on behalf of these citizens to obtain competitively priced energy, often at a fixed or predictable cost, as well as environmental benefits and opportunities to pursue community-based energy initiatives; and

**WHEREAS**, the fundamental goal of the CCA education and outreach is to enable eligible customers to make an informed choice about their energy supply option. The City of Albany is



required to adopt a community-specific plan for engaging in public education and outreach to be completed in the first 60 days regarding the CCA Program in the City of Albany, and includes discussion of the process to allow any eligible customer the opportunity to opt-out of the CCA Program. Also required is the adoption of an opt-out letter on the City of Albany's letterhead informing members of the public of their right to opt-out of the CCA Program, and providing a clear procedure for so doing; and

**WHEREAS**, these community-specific documents, once adopted, will be incorporated into the CCA Program Implementation Plan, to be administered by the CCA Administrator, as approved by the New York State Public Service Commission ("NYSPSC"), to ensure compliance with rules and regulations governing CCAs; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Albany hereby adopts a public education and outreach plan for the first 60 days and CCA opt-out letter; and

**BE IT FURTHER RESOLVED THAT**, the plan and letter will be provided to the CCA Administrator and New York State Department of Public Service staff charged with reviewing on behalf of the NYSPSC, for incorporation into the CCA Program Implementation Plan.

\* Council Members Fahey spoke on the Resolution prior to passage.

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, Conti, Fahey, Farrell, Frederick, Hoey, Igoe, Kimbrough, and O'Brien

Affirmative 9 Negative 0 Abstain 0

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Resolution 10.21.20R (**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A FULL TIME POSITION WHICH WILL AFFECT A SALARY TOTAL FOR THE 2020 BUDGET (ACDA)**) 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 motion was **ADOPTED**:

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

Affirmative – Anane, Conti, Fahey, Farrell, Frederick, Igoe, Kimbrough, and O'Brien

Affirmative 8 Negative 0 Abstain 0

Council Member Farrell on the behalf Finance, Assessment and Taxation noticed Resolution 12.21.20R (MC) (**RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY FOR CERTAIN POSITIONS IN THE LAW DEPARTMENT FOR THE 2020 BUDGET**) which had been previously introduced, requested passage and a roll call vote thereon.

\* Council Members Farrell spoke on the Resolution prior to passage.

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, Conti, Fahey, Farrell, Frederick, Igoe, Kimbrough, and O’Brien

Affirmative 8 Negative 0 Abstain 0

Council Member Anane noticed Resolution 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**) which had been previously introduced, requested passage and a vote thereon.

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

*\* Resolution 14.22.20R was co-sponsored by Anane, Conti, Fahey, Farrell, Frederick, Igoe, Kimbrough, and O’Brien*

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

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

**MISCELLANEOUS AND UNFINISHED BUSINESS:**

Majority Leader Farrell offered the following, which was approved by unanimous voice vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2020, AND WAIVE THE READING OF THE NAMES:

Aliyah McFarlene, 255 Park Avenue 2<sup>nd</sup> Floor, Albany, NY 12202

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**COMMON COUNCIL COMMENTS:**

The following Council Members commented on the following topics:  
Council Member Anane (Weather)

**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 9:22 pm.

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