

1. Active Calendar

- 1.I. Active Calendar June 7, 2021

Documents:

[ACTIVE CALENDAR JUNE 7 2021.PDF](#)

2. Supporting Legislation

- 2.I. Support Legislation For June 7, 2021 Meeting

Documents:

[SUPPORT LEGISLATION JUNE 7 2021.PDF](#)

3. Minutes

4. Majority Consent (MC)

5. Supporting Document

6. Written Comment

7. Amended Legislation

## Albany Common Council Active Calendar Meeting of Monday, June 7, 2021

(NOTE: The Active Calendar is meant to indicate items which are anticipated to come up for action at the indicated Common Council meeting. Items on a committee agenda prior to the indicated Council meeting are included subject to committee action and recommendation. New items on the agenda for introduction, but which will not be acted upon on the evening of introduction is not included on the Active Calendar. This Calendar does not preclude the addition of items for action by Majority Consent of the Council. Items added by Majority Consent are those which were not available for the agenda within the required deadline but which cannot wait for the subsequent Council meeting for introduction and/or action.)

Section	Number	Agenda Number	Sponsor	Subject
Local Laws Held	LOCAL LAW K – 2021	9	Parks, Recreation and Family Services	A LOCAL LAW AMENDING ARTICLE I (PUBLIC GROUNDS DESIGNATED AS PARKS; GOVERNMENT AND CARE OF PARKS AND PARKWAYS) OF CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ALIENATION OF CERTAIN PARKLAND WITHIN LINCOLN PARK, DISCONTINUANCE OF A RIGHT OF WAY, AND DEDICATION OF REPLACEMENT PARKLAND
Resolutions Introduced (a)	50.61.21R		Robinson with the Support of Council President Ellis	A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY RECOGNIZING JUNE 19, 2021 AS “JUNETEENTH INDEPENDENCE DAY” IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH NEWS OF THE END OF SLAVERY REACHED THOSE ENSLAVED IN THE SOUTHWESTERN UNITED STATES
Resolutions Introduced (a)	51.61.21R		Conti	RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND CELEBRATING JUNE AS LGBTQ PRIDE MONTH IN THE CITY OF ALBANY

(a) Pending discussions at Caucus, June 2, 2021 @ 5:30pm VIA ZOOM

(05/28/2021)

**COMMON COUNCIL OF THE CITY OF ALBANY**  
**SUPPORT LEGISLATION**  
**JUNE 7, 2021**

**LOCAL LAWS**

**L of 2021**                    **A LOCAL LAW AMENDING CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CREATING A PUBLIC SAFETY COMMISSION**

**M of 2021**                    **A LOCAL LAW AMENDING ARTICLE VIIB (ALBANY POLICE DEPARTMENT INTERACTIONS) OF PART I (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF PART I (ADMINISTRATIVE LEGISLATION) OF THE ALBANY CITY CODE WITH REGARD TO THE USE OF CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS ON CIVILIAN POPULATIONS**

**ORDINANCES**

**17.61.21**                    **AN ORDINANCE AMENDING ARTICLE VA (NOTICE OF VIOLATION) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SHORTENING THE COMPLIANCE PERIOD FOR CODE VIOLATIONS RELATED TO HEALTH AND SAFETY**

**18.61.21**                    **ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) IN RELATION TO INCENTIVES FOR DEVELOPERS TO USE ENERGY EFFICIENT AND LOW IMPACT DESIGNS**

**19.61.21**                    **AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO 1053 BREWING LLC OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF BRIDGE STREET FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP AND DECK AT DRUTHERS BREWING COMPANY**

**RESOLUTIONS**

**50.61.21R**                    **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY RECOGNIZING JUNE 19, 2021 AS “JUNETEENTH INDEPENDENCE DAY” IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH NEWS OF THE END OF SLAVERY**

**REACHED THOSE ENSLAVED IN THE SOUTHWESTERN  
UNITED STATES**

**51.61.21R**

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING  
AND CELEBRATING JUNE AS LGBTQ PRIDE MONTH IN THE  
CITY OF ALBANY**

**Council Members Johnson, Anane, Hoey with the support of Council President Ellis, introduced the following:**

## **LOCAL LAW L of 2021**

### **A LOCAL AMENDING CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CREATING A PUBLIC SAFETY COMMISSION**

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

**Section 1.** Article XI (General Provisions) of Part 3 (Department of Public Safety) of Chapter 42 (Departments and Commissions) of Part I (Administrative Legislation) of the Code of the City of Albany is hereby amended to read as follows:

#### **Section 42-69 Legislative Intent.**

The City of Albany envisions a Commission of Public Safety that decouples public safety from policing, centers community voices, and ends systemic racism. The Commission embraces the four pillars of Procedural Justice: treating people with dignity and respect; giving citizens a voice during encounters; being open and transparent in decision-making; and conveying trustworthy motives. The Commission of Public Safety will ensure the elevation of the concepts of community policing into the practice of public safety. A guiding principle of the public safety commission is Sanctity of Life: that at the core of an officer's responsibilities is the duty to protect all human life and physical safety.

#### **Section 42-70 Definitions**

##### **Commission of Public Safety**

Shall mean the public body tasked with overseeing and running the Department of Public Safety.

##### **Commissioner(s)**

Shall mean a member of the Commission of Public Safety.

##### **Chief of Police**

Shall mean the Chief of Police of Albany Police Department

#### **Section 42-71 Commission Established; appointment of members; Qualification.**

- A. There is hereby established a Commission of Public Safety comprised of nine (9) members, five of whom shall be appointed by the Common Council and four of who shall be appointed by the Mayor. Members shall serve for a term of three years. All Commission members must be residents of the City of Albany.

- B. Candidates for the Commission of Public Safety shall be subject to a public hearing prior to commencement of their term. Reappointments shall be subject to a public hearing. Candidates shall be present at the public hearing.
  - 1. Notice of such public hearing shall circulate to the media no less than ten (10) calendar days prior to the scheduled public hearing. Such notice shall state and include the time, place, and that all are welcome to submit comments and questions regarding the candidacy of the nominee(s).
- C. Commissioners shall receive compensation that shall be set in the budget.
- D. Current employees of the City of Albany and their immediate relatives shall not be eligible to serve as a Commissioner.
- E. Former employees and their immediate relatives of the Albany Police Department shall not be eligible to serve as a Commissioner.

#### **Section 42-71.1 Powers and Duties**

##### The Commission of Public Safety:

- A. Shall recommend a budget to Mayor that the Mayor will consider for inclusion in the general budget annually, as prescribed by the Charter of the City of Albany.
- B. May establish advisory committees, standing, or ad-hoc committees, panels, and/or host forums and public hearings as the Commission deems necessary.
- C. Shall set departmental practices in recruiting, hiring, promoting and disciplining, all in accordance with statutory authority, and may make recommendations to the Mayor and Common Council regarding practices, procedures, policy and planning.
- D. Shall require individual Commissioners to excuse themselves from participating in discussions or decision-making in which any item, in the execution of their duties, presents a personal, professional, or financial conflict of interest.
- E. Shall work in conjunction with Community Police Review Board (CPRB) in accordance of Part 33 of Chapter 42 of this Code.
- F. Shall work collaboratively with the Chief of Police.
- G. Shall implement the reforms and recommendations of the Albany Policing Reform and Reinvention Collaborative Plan as adopted by the Common Council in Resolution 26.31.21R and any subsequent amendments thereto.

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

**APPROVED AS TO FORM THIS  
27<sup>TH</sup> DAY OF MAY, 2021**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk

**From:** John-Raphael Pichardo, Esq., Research Counsel

**Re:** Common Council Legislation  
Supporting Memorandum

**Date:** May 27, 2021

**SPONSOR** Council Members Johnson, Anane, and Hoey with the support of Council President Ellis

**LOCAL LAW L of 2021**

**TITLE**

A LOCAL AMENDING CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CREATING A PUBLIC SAFETY COMMISSION

**GENERAL PURPOSE OF LEGISLATION**

This local law is the start of a creating a Commission to oversee the new Department of Public Safety, as recommended by the Albany Collaborative.

**NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW**

The proposed legislation is only designed to create and establish the entity of the Public Safety Commission within the Department of Public Safety and to designate its authority to address issues of public safety and policing in the City of Albany. This local law will be amended further for more substantive amendments as policing is constantly being reimagined.

**FISCAL IMPACT(S)**

To be determined.



**Council Member Kimbrough introduced the following:**

**LOCAL LAW M OF 2021**

**A LOCAL LAW AMENDING ARTICLE VIIB (ALBANY POLICE DEPARTMENT INTERACTIONS) OF PART 1 (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF PART I (ADMINISTRATIVE LEGISLATION) OF THE ALBANY CITY CODE WITH REGARD TO THE USE OF CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS ON CIVILIAN POPULATIONS**

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

**Section 1.** Article VIIB (Albany Police Department Interactions) of Part 1 (Department of Police) of Chapter 42 (Departments and Commissions) of Part I (Administrative Legislation) of the Albany City Code is hereby amended by adding a new section 42-54.3 to read as follows:

**Section 42-54.3. Use of Chemical Weapons and Kinetic Energy Munitions**

**A. Use of Chemical Weapons and Kinetic Energy Munitions Policy.**

- (1) The Chief of Police, or if there is one, the Commissioner of Public Safety, shall establish a written policy to prohibit the use of Chemical Weapons and Kinetic Energy Munitions by any member of the Albany Police Department on civilian populations, except for:

  - (a) The use of pepper spray as defined herein;
  - (b) In circumstances where a person is being restrained against their will, as defined in Penal Law §135.00, where significant bodily injury is clearly threatened against such individual, and the Chief of Police or a Deputy Chief of Police present on the site determined that there is no alternative to the use of chemical weapons to secure the safety of the person being so restrained and adequate notice is given to individuals occupying indoor or outdoor spaces in the vicinity to allow them to protect themselves against exposure;
  - (c) Circumstances in which the Chief of Police or Deputy Chief of Police is on site at a situation in which eleven or more persons are present and such Chief of Police or Deputy Chief of Police confirms that:

    - (i) such persons are engaging in actions that meet the elements of section 240.06 (1) of the New York State Penal Law;
    - (ii) no alternative to the use of Chemical Weapons and/or Kinetic Energy Munitions is available to enable the Albany Police

Department to secure the safety of people in the immediate vicinity of the riot;

(iii) when deployed in a residential area, the use of Chemical Weapons and/or Kinetic Energy Munitions is absolutely necessary to protect lives;

(iv) the Albany Police Department has provided two notifications to the public in the immediate vicinity that Chemical Weapons and/or Kinetic Energy Munitions are about to be deployed; and

(v) at least one Emergency Medical Technician is present at the scene of the situation.

(d) However, neither Chemical Weapons nor Kinetic Energy Munitions shall be deployed against any individual or group of individuals who are engaging in First Amendment Activities, as defined in paragraph (3) of subsection (B) of this section.

(2) Prior to the establishment of such policy, the Chief of Police, or if there is one, the Commissioner of Public Safety, shall present such policy to the Community Police Review Board and shall consider any modifications as recommended by such Board.

(3) Such policy shall be consistent with the limitations in this section and shall be established within sixty (60) days of the enactment of this law.

(4) Whenever either Chemical Weapons or Kinetic Energy Munitions are deployed by any member of the Albany Police Department, the Chief of Police shall submit a Use of Force Report to the Public Safety Committee of the Common Council within five (5) business days of such use of Chemical Weapons or Kinetic Energy Munitions. The Public Safety Committee shall convene as soon as practicable after the submission of such Use of Force Report to review the use of such weapons and/or munitions. The following shall apply to all meetings of the Public Safety Committee of the Common Council at which Use of Force Reports dealing with the use of Chemical Weapons and/or Kinetic Energy Munitions are discussed:

(a) The Chief of Deputy Chief who authorized the use of Chemical Weapons or Kinetic Energy Munitions at issue shall attend the meeting at which the Public Safety Committee reviews the Use of Force report to explain the decision to deploy Chemical Weapons or Kinetic Energy Munitions.

(b) The Public Safety Committee may make a finding as to whether Chemical Weapons and/or Kinetic Energy Munitions were deployed, in the instance at issue, in a manner consistent with or in violation of the policy laid out in this section. If the Public Safety Committee determines that Chemical

Weapons or Kinetic Energy Munitions were deployed in a manner inconsistent with such policy, the Public Safety Committee can make a recommendation to the Common Council to ban such Chemical Weapons and/or Kinetic Energy Munitions completely.

B. Definitions. For the purposes of this section, the following terms shall have the following meaning:

(1) Chemical Weapons. Any type of device containing toxic chemicals designed to be launched or thrown as a projectile or otherwise released in the area of civilian populations, in order to cause temporary or permanent incapacitation, injury or trauma to the intended target, through the action of such chemicals as an eye, throat, respiratory, and/or skin irritant. The term specifically includes, but is not limited to, any item commonly referred to as or having similar effects to “tear gas.”

(a) The term “chemical weapon” shall not apply to the use of pepper spray contained in liquid spray canisters of a volume no greater than 0.75 ounces when used to temporarily control a specific individual a police officer reasonably believes to be in the process of committing a crime that endangers other people and only when such agent is released in compliance with department policies and New York State law relating to the use of force and under circumstances that reasonably assure others in the vicinity are not affected by the use of such spray.

(2) Kinetic Energy Munitions. Any type of device designed to be launched from any device as a projectile, in order to cause temporary pain, injury, irritation, disability, incapacitation or trauma to the intended target. The term specifically includes, but is not limited to, any item commonly referred to as “impact rounds” or “rubber bullets.”

(3) First Amendment Activities. Any demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons.

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

**APPROVED AS TO FORM THIS  
27<sup>TH</sup> DAY OF MAY, 2021**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk

**From:** Brett Williams, Senior Assistant Corporation Counsel

**Re:** Request for Common Council Legislation  
Supporting Memorandum

**Date:** May 27, 2021

**Sponsor:** Council Member Kimbrough

## **LOCAL LAW M of 2021**

### **TITLE**

A LOCAL LAW AMENDING ARTICLE VIIB (ALBANY POLICE DEPARTMENT INTERACTIONS) OF PART 1 (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF PART I (ADMINISTRATIVE LEGISLATION) OF THE ALBANY CITY CODE REGARDING TO THE USE OF CHEMICAL WEAPONS AND KINETIC ENERGY MUNITIONS ON CIVILIAN POPULATIONS

### **GENERAL PURPOSE OF LEGISLATION**

This local law will greatly limit the circumstances in which the Albany Police Department may deploy chemical weapons such as tear gas and kinetic energy munitions such as rubber bullets against civilian populations, and outright bans the use of such substances and devices against individuals engaging in activities protected by the First Amendment.

### **NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

This local law bans the use of chemical weapons and kinetic energy munitions in all but very limited situations, which are spelled out in the legislation. Under this local law, the Albany Police Department may only use chemical weapons or kinetic energy munitions when the Chief of Police or a Deputy Chief is on the scene of an incident at which there are eleven or more people and such Chief or Deputy Chief confirms that:

- The individuals are are engaging in actions that meet the elements of section 240.06 (1) of the New York State Penal Law;
- The Police Department has no alternative to the use of chemical weapons and/or kinetic energy munitions available to secure the safety of people in the immediate vicinity of the riot;
- The use of such devices, if deployed in a residential area, is absolutely necessary to protect lives;
- The Police Department has provided two notifications to the public in the immediate vicinity that such are about to be deployed; and
- At least one Emergency Medical Technician is present at the scene before such devices are deployed.

The local law also allows for the use of chemical weapons and/or kinetic energy munitions in hostage situations and in circumstances in which individuals are being restrained against their will, and then only after adequate warning has been given.

The legislation also requires the Chief of Police to develop a departmental policy on the use of such devices, consistent with this local law, within 60 days of the enactment of this local law, which must be presented to the Community Police Review Board for their review and recommendation.

The local law bans, outright, the use of such devices against one or more persons engaging in activities protected by the First Amendment of the United States Constitution, such as demonstrating, picketing, speechmaking, marching, holding vigils or religious services, and all other like forms of conduct that involve the communication or expression of views or grievances.

**FISCAL IMPACT(S)**

None.

**Council Member Fahey introduced the following:**

**ORDINANCE 17.61.21**

**AN ORDINANCE AMENDING ARTICLE VA (NOTICE OF VIOLATION) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SHORTENING THE COMPLIANCE PERIOD FOR CODE VIOLATIONS RELATED TO HEALTH AND SAFETY**

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

**Section 1.** Subsection (B) of section 313-51.1 (Responsibility of property owners; action by City; costs of abatement; hearing) of Article VA (Notice of Violation) of Chapter 313 (Solid Waste) of Part II (General Legislation) the Code of the City of Albany is hereby amended to read as follows:

- B. Upon complaint, on his or her own motion and after inspection of the property, the Commissioner of the Department of General Services or his or her designee shall notify the property owner or person occupying or having control of the property, as hereinafter provided, of any conditions on the property or sidewalk violating the provisions of Articles IV and/or V of this chapter and require compliance within five calendar days from the date such notice was mailed or within three calendar days of personal service of such notice is said notice is personally served upon the property owner, authorized agent or person or entity in control of the property. However, the Commissioner or their designee may require immediate compliance when he or she determines that a condition violating the provisions of Articles IV and/or V of this chapter exists and such condition poses a threat to the health and safety of the building's occupants or the general public, and the owner or person occupying or having control of the property is persistently non-compliant with subsection A of this section.
- (1) Upon receiving a complaint, including but not limited to "See Click Fix," the Commissioner or their designee shall inspect the property or properties within three business days.

**Section 2.** Subsection D of section 313-51.1 (Responsibility of property owners; action by City; costs of abatement; hearing) of Article VA (Notice of Violation) of Chapter 313 (Solid Waste) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

- D. Hearing. The notice required herein shall indicate that a request for a hearing may be made by the owner of the property alleged to be in violation; which must be made and received by the Commissioner before the expiration of the five-day period set forth in Subsection B, or, in the event that the Commissioner or their designee has determined that an alleged violation has warranted immediate compliance under subsection B of this section, a request for a hearing must be made as soon as is practicable. Such request must either be delivered personally to the Department of General Services or mailed by certified mail to the

Commissioner. Upon such request duly made and received, a hearing will be held before the Commissioner or a designated officer at a time, date and place set by written notice sent to the owner by regular mail. The hearing shall be held within seven calendar days following receipt of the request and at least two days' notice of the hearing shall be given to the owner. The owner or owner's agent shall be given an opportunity to present evidence to be heard during the hearing. Within five days of the conclusion of the hearing, the notice shall be affirmed, amended, modified or rescinded.

**Section 3.** This ordinance shall take effect 30 days after enactment.

**APPROVED AS TO FORM THIS  
27<sup>TH</sup> DAY OF MAY, 2021**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk  
**From:** Brett Williams, Esq., Sr. Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** May 27, 2021  
**Sponsor:** Council Member Fahey

**ORDINANCE 17.61.21**

**TITLE**

AN ORDINANCE AMENDING ARTICLE VA (NOTICE OF VIOLATION) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SHORTENING THE COMPLIANCE PERIOD FOR CODE VIOLATIONS RELATED TO HEALTH AND SAFETY

**GENERAL PURPOSE OF LEGISLATION**

This ordinance will help ensure that the City is able to address health and safety-related Code violations perpetrated by persistently non-compliant owners and occupants as expeditiously as possible.

**NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW**

Currently, as the Code stands, property owners or occupants have five days from notification of a violation to correct any conditions on the property or sidewalk that are not in compliance with the litter and vacant lot articles of Chapter 313 of the Code.

This ordinance will allow the City to correct such issues immediately when they occur at properties that are persistently non-compliant.

**FISCAL IMPACT(S)**

None.



**Council Member Doesschate introduced the following,**

**ORDINANCE 18.61.21**

**ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) IN RELATION TO INCENTIVES FOR DEVELOPERS TO USE ENERGY EFFICIENT AND LOW IMPACT DESIGNS**

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

**Section 1.** Paragraph (ii) (Low-impact development) of subdivision (a) (Incentives) of subsection (4) (Incentives and affordable housing requirements) of section 375-401 (Dimensional Standards) of Article IV (Development Standards) of Chapter 375 of the Code of the City of Albany (Unified Sustainable Development Ordinance) is hereby amended to read as follows:

(ii) Low-impact development. New development or redevelopment of a site that incorporates a green (vegetated) roof designed so that off-site flow of the first one inch of rainfall during the first 24 hours after rainfall ends is reduced by at least 50 percent shall receive the following benefits:

- A. The project may reduce any required building setback from any zoning district other than a residential zoning district by 20 percent (provided that the required reduction in off-site water flow is still achieved); and
- B. The project may increase the maximum height of any primary building (or part of a primary building) located more than 100 feet from a Residential zoning district other than the R-M Districts by one story.
- C. The Low-Impact Development incentives detailed above shall be suspended and not available for new development or redevelopment applications submitted between June 30, 2019 and June 30, ~~2021~~ 2022.

**Section 2.** This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS  
24<sup>TH</sup> DAY OF MAY, 2021**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk

**From:** John-Raphael Pichardo, Esq., Research Counsel  
Council Member Doesschate

**RE:** Common Council Legislation  
Supporting Memorandum

**Date:** May 19, 2021

**Sponsor:** Council Member Doesschate

**ORDINANCE 18.61.21**

**TITLE**

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) IN RELATION TO INCENTIVES FOR DEVELOPERS TO USE ENERGY EFFICIENT AND LOW IMPACT DESIGNS

**GENERAL PURPOSE OF LEGISLATION**

To continue the suspension of the application of the USDO incentive that allows developers to increase the height of the primary building on a site by one story or reduce setbacks if the developer incorporates into design plans a green roof or other building or site features that are designed so that off-site flow of the first one inch of rainfall during the first 24 hours after rainfall ends is reduced by at least 50 percent shall receive the following benefits for applications submitted through June 30, 2022. The current suspension of this provision is for any development applications submitted from June 30, 2019 to June 30, 2021. It was anticipated that during the initial suspension, the administration would evaluate the viability of the affordable housing incentive that would provide similar benefits to developers and possibly propose clearer standards for the green roof incentive that would ensure significant benefits to the community and the environment. However, due to a number of challenges in the past year and currently, including the onset of COVID-19 pandemic, staff has not been able to undertake a more thorough analysis of this issue and has needed to focus on other issues. Consequently, it is advisable to continue the suspension of this incentive until staff has the time to devote to studying and making recommendations for the appropriate changes to the USDO.

**TIME FRAME FOR PASSAGE**

By June 30, 2021 to ensure there is no gap in the suspension of the incentive.

**FISCAL IMPACTS**

None

**Council Member Kimbrough introduced the following:**

**ORDINANCE 19.61.21**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO 1053 BREWING, LLC OF AN EASEMENT IN THE CITY OF ALBANY OVER A PORTION OF THE CITY RIGHT-OF-WAY OF BRIDGE STREET FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP AND DECK AT DRUTHERS BREWING COMPANY**

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

**Section 1.** It is hereby authorized that the City of Albany grants an easement to 1053 Brewing, LLC over a portion of the Bridge Street right-of-way in the area of 1053 Broadway in the City of Albany for the purpose of construction and maintenance of an ADA compliant ramp and deck as requested by the property owner, and as described more fully in the legal description attached hereto.

**Section 2.** The form, content, terms and conditions of such easement shall be approved by the Corporation Counsel.

**Section 3.** The Grantee shall not hinder, interfere with, prevent, delay, obstruct, or adversely affect the Grantor in the reasonable exercise of its governmental operations or functions.

**Section 4.** This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS  
27<sup>TH</sup> DAY OF MAY, 2021**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk

**From:** Laura Gulfo, Assistant Corporation Counsel  
Brett Williams, Senior Assistant Corporation Counsel

**Re:** Request for Common Council Legislation  
Supporting Memorandum

**Date:** May 27, 2021

**Sponsor:** Council Member Kimbrough

**ORDINANCE 19.61.21**

**TITLE**

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO 1053 BREWING, LLC OF AN EASEMENT IN THE CITY OF ALBANY, OVER A PORTION OF THE CITY RIGHT-OF-WAY OF BRIDGE STREET FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADA COMPLIANT RAMP AND DECK AT DRUTHERS BREWING COMPANY

**GENERAL PURPOSE OF THE LEGISLATION**

The purpose of this ordinance is to grant an easement to 1053 Brewing, LLC, so that an ADA-compliant deck and ramp may be constructed, installed, and maintained at Druthers Brewing Company to accommodate the need for additional outdoor seating in the City's Bridge Street right-of-way.

Chris Martell, the owner of the company 1053 Brewing, LLC, which owns 1053 Broadway and operates Druthers Brewing Company, located at 1053 Broadway, seeks an easement to install, construct, and maintain an ADA-Compliant ramp and deck for additional seating at Druthers. Mr. Martell submitted an application for an area variance for the installation and construction of an ADA-compliant ramp and deck to add to the existing structure at 1053 Broadway. Before requesting a variance and this easement, Mr. Martell explored other options, such as purchasing 1043 Broadway and building a rooftop deck to accommodate additional outdoor seating. For various reasons, neither option was available to Mr. Martell.

A draft of the easement and a site plan map of the proposed ramp and deck are included herewith.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Common Council approval is required for land transactions, such as the granting of a permanent easement in the City's right-of-way.

**FISCAL IMPACT**

None.



**Council Member Robinson, with the support of Council President Ellis, introduced the following:**

**RESOLUTION NUMBER 50.61.21R**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY RECOGNIZING JUNE 19, 2021 AS “JUNETEENTH INDEPENDENCE DAY” IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH NEWS OF THE END OF SLAVERY REACHED THOSE ENSLAVED IN THE SOUTHWESTERN STATES**

**WHEREAS**, news of the end of slavery did not reach the frontier areas of the United States, in particular, the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War, more than 2½ years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863;

**WHEREAS**, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and the enslaved were free;

**WHEREAS**, African Americans who had been slaves in the Southwest celebrated June 19, commonly known as “Juneteenth Independence Day”, as inspiration and encouragement for future generations;

**WHEREAS**, African Americans from the Southwest have continued the tradition of observing Juneteenth Independence Day for more than 150 years;

**WHEREAS**, Juneteenth Independence Day began as a holiday in the State of Texas and is now celebrated in 46 States and the District of Columbia as a special day of observance in recognition of the emancipation of all slaves in the United States;

**WHEREAS**, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

**WHEREAS**, the faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race;

**WHEREAS**, slavery was not officially abolished until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

**WHEREAS**, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany: (1) designates June 19, 2021, as “Juneteenth Independence Day”; (2) recognizes

the historical significance of Juneteenth Independence Day to the United States; (3) supports the continued nationwide celebration of Juneteenth Independence Day to provide an opportunity for the people of the City of Albany to learn more about the past and to better understand the experiences that have shaped the United States; and (4) recognizes that the observance of the end of slavery is part of the history and heritage of the United States.

**To:** Danielle Gillespie, City Clerk  
**From:** John-Raphael Pichardo, Esq., Research Counsel  
**Re:** Common Council Legislation  
Supporting Memorandum  
**Date:** May 27, 2021

**SPONSOR** Council Member Robinson with the support of Council President Ellis

**RESOLUTION NUMBER 50.61.21R**

**TITLE**

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY RECOGNIZING JUNE 19, 2021 AS “JUNETEENTH INDEPENDENCE DAY” IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH NEWS OF THE END OF SLAVERY REACHED THOSE ENSLAVED IN THE SOUTHWESTERN STATES

**GENERAL PURPOSE OF LEGISLATION**

Recognizing Juneteeth.

**FISCAL IMPACT(S)**

None.



**Council Member Conti introduced the following:**

**RESOLUTION NUMBER 51.61.21R**

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND CELEBRATING JUNE AS LGBTQ PRIDE MONTH IN THE CITY OF ALBANY**

**WHEREAS**, the month of June is nationally recognized and celebrated as Lesbian, Gay, Bisexual, and Transgender Pride Month in commemoration of the 1969 Stonewall Uprising in New York City which marks the birth of the modern-day LGBTQ human rights movement; and

**WHEREAS**, the Stonewall Uprising also gave a new birth to local LGBTQ political activism and visibility throughout the country including, in 1970, the founding of the Tri-Cities Gay Liberation Front which, two years later, evolved into the Capital District Gay and Lesbian Community Council and is today known as the Pride Center of the Capital Region; and

**WHEREAS**, Albany is the home of the oldest continuously operating LGBTQ community center in the nation, located at 332 Hudson Avenue, and was the site, in 1971, of the first march on a state capital for lesbian and gay civil rights; and

**WHEREAS**, the City of Albany and the Albany Common Council, in particular, has been at the forefront of governments recognizing and affirming the basic civil and human rights of the LGBTQ community; and

**WHEREAS**, June would ordinarily feature a month of LGBTQ Pride parades, festivals, and celebrations throughout the country, including the Capital Pride Parade and Festival and “*Say it Loud! Black and Latino Gay Pride*” both in Washington Park; and

**WHEREAS**, due to the COVID-19 Pandemic these physical celebrations were not celebrated in person in 2020, but limited celebrations, with safety in place, are planned for 2021 throughout the Capital Region; and

**WHEREAS**, the City of Albany is home to two important organizations that provide important services to the Capital Regions LGBTQ community – the Pride Center of the Capital Region and, In Our Own Voices – serving the LGBTQ People of Color community; and

**WHEREAS**, June is a special time of the year to pause, celebrate and reflect on the diversity of the LGBTQ community and the strides and achievements that have been made since the 1969 Stonewall Uprising; and

**WHEREAS**, it is appropriate for this body to pause in its deliberations to recognize and celebrate the month of June as LGBTQ Pride Month, and to recognize the Pride Center and In Our Own Voices for the important work they do.

**NOW, THEREFORE BE IT RESOLVED**, that the Common Council of the City of Albany does hereby recognize and celebrate the contributions of the LGBTQ community to our

city and does further recognize and celebrate the month of June as LGBTQ Pride Month in the City of Albany; and

**BE IT FINALLY RESOLVED,** that a copy of this resolution, suitably engrossed, be transmitted to the Pride Center of the Capital Region and In Our Own Voices upon its adoption.

**To:** Danielle Gillespie, City Clerk  
**From:** John-Raphael Pichardo, Esq., Research Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** May 27, 2021

**SPONSOR** Councilmember Conti

**RESOLUTION NUMBER 51.61.21R**

**TITLE**

RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND CELEBRATING JUNE  
AS LGBTQ PRIDE MONTH IN THE CITY OF ALBANY

**GENERAL PURPOSE OF LEGISLATION**

To recognize June as LGBTQ Pride Month in the City of Albany

**FISCAL IMPACT(S)**

None.