

**MINUTES OF THE REGULARLY SCHEDULED MEETING  
OF THE SCHENECTADY CITY COUNCIL**

**December 22, 2014**

The City Council Meeting was called to order by the City Council President Margaret King at 7:05 p.m. in Room 209, City Council Chambers at City Hall.

Ms. King called upon Rev. Bill Levering to provide the invocation.

Ms. King called on Tony Buonome to lead the Pledge of Allegiance followed by a moment of silence.

The City Clerk called the roll and the following members of the City Council answered to be present:

Present – Council members, John Ferrari, Margaret King, Ed Kosiur, Leesa Perazzo, Marion Porterfield, and Vincent Riggi

Also Present – City Clerk Chuck Thorne, Corporation Counsel Carl Falotico and Mayor Gary McCarthy

Absent – Council member John Mootooveren

**PUBLIC HEARINGS:**

**1. Regarding the Local Law Allowing for Best Value Purchasing**

**Jason Planck**, Schenectady – As furnished in writing: “I strongly oppose the Best Value Purchasing as avoids the open and competitive bidding process and affirmative action’s laws. City has no affirmative action policies and procedure in place for open and competitive bidding process for person with disabilities and minorities. This city has no affirmative action policies and procedures in place to guarantee rights of the community of fair open process in awards contracts of city’s needs in goods and services. City has not done an economic disparity study to decide in where it need to applied open and fair competitive bidding process. Is the city in process of discrimination or reverse discrimination or underutilization of affirmative action goals? Best value purchasing if pass by this city council allows the city to piggyback on any contract in other federal, state, counties and local government without our own city’s business of having a shot at the bidding process. One idea was floating around was if New York City had low bid award under this law if pass by this city council the city could piggyback off that contract. The problem is the New York City has higher taxes, higher cost of living, and shipping cost. Just because low bidder won doesn’t mean we are getting the lowest price. It also means that our own business might not be able to bid on the project because of notification in the bid itself. Some people have said it is a good idea because some minorities and person with disabilities could not win a low bid process in goods like pens, paper and other office supplies because of the amount of volume discount. That is a copout as a business owner you can form partnership with the bigger supply house to get those wholesale or manufacturing prices. That is called teamwork and the bigger supply house gets to have doing business with a protected class for the other bids they put in for. Best value purchasing takes the open and competitive bidding process out of the city council hands puts in a subject evaluation of who would get the city contract for goods or services.

**Teneka Frost-Amusa**, Schenectady – Chair of the Affirmative Action Advisory Board. Comments from the December 22, 2014 Public Hearing were summarized in a follow up letter dated January 5, 2015. “The AA Board met on December 18, 2014 and discussed the Proposed Law. Pursuant to Chapter 6-7 of the Schenectady City Code, the AA Board is charged with advising the Mayor on all aspects of equal opportunity in City government, including in the areas

of purchasing and contracting. The AA Board has concerns about the Proposed Law as it relates to the types of contracts covered under the law and the affect this law will have on NYS certified MWBE firms who are in a position to do business with the City. The AA Board understands the purpose of NYS General Municipal Law § 103 (16), which is to reduce purchase and administrative costs in procuring certain goods, equipment and services by having the benefit of piggybacking off of federal and other government procurements. The AA Board supports the City's efforts to maximize cost savings in procuring goods and services, however, the AA Board believes this law should not have a negative impact on NYS certified MWBE firms. The AA Board's first area of concern relates to the fact that the current version of the Proposed Law includes service contracts such as "janitorial and security contracts." The AA Board believes that awarding these types of contracts through the best value process will have a negative impact on NYS certified MWBEs. The AA Board believes that the types of contracts covered under the Proposed Law must be limited to those as contemplated by the Office of the State Comptroller ("OSC") in order to minimize the negative impact on MWBEs. OSC's guidance suggests limiting the use of best value purchasing to the purchase of "apparatus, materials, equipment and supplies and contracts for services related to the installation, maintenance and repair of those items." The AA Board recommends that the Proposed Law be amended to limit best value purchasing to contacts related to the purchase of goods and equipment, in accordance with OSC guidance. The second area of concern for the AA Board is that, although the Proposed Law and GML§ 103 (16) allows for a "quantitative factor for offers that are small and certified MWBEs to be used in the evaluation of best value contracts," the Proposed Law does not identify how MWBE goals will be set on contracts being evaluated under the best value method. The AA Board recommends that the Proposed Law be amended to outline the factors that will be considered in evaluating best value purchases, including how MWBE goals will be implemented as allowed under GML Section 103. The AA Board also recommends that all best value purchase decisions be reviewed by a committee to include the city's affirmative action/equal employment opportunity director and at least one member of the city's AA Board. The AA Board looks forward to working with the City on this very important law."

Seeing no other speakers come forward related to the public hearing, Ms. King declared the public hearing closed.

#### **APPROVAL OF MINUTES:**

Ms. King asked for a motion to approve the minutes from the December 8, 2014 Council meetings as submitted by the Deputy City Clerk; Mr. Kosiur made a motion to approve the minutes, Ms. Perazzo seconded the motion.

#### **COMMUNICATIONS:**

##### **Communications Presented to the City Council for Monday December 22, 2014**

#### **Official:**

A letter dated December 22, 2014, from Paul LaFond, Director of Water & Wastewater recommending the award of "Cure-In-Place Sewer Lining Project" contract be awarded to Allstate Power Vac, Inc.

#### **General:**

None

**Petitions:**

None

**COMMITTEE REPORTS:**

**Ms. Perazzo**, Finance – Noted the recent Regional Economic Development award of \$1.2 million dollars to Metroplex for the redevelopment of the Robinson Block which includes three blocks on State Street near SCCC. She added there was a recent speaker who came before City Council to address safety concerns related to the existing Liberty Park in that area. She noted the City is in receipt of \$440,000 to go toward improvements of that park which will address some of those concerns. She noted congratulations to the IDA which successfully renegotiated a pilot and increased revenue for the City regarding a 45,000 square foot building on McClellan Street near Ellis Medicine. She closed by noting with the award of the casino to Schenectady the Finance Committee will have an active role in discussions ahead.

**PRIVILEGE OF THE FLOOR (LEGISLATIVE ITEMS)**

Ms. King invited all who wished to address the Legislative Agenda to come forward:

Seeing no speakers come forward, Ms. King declared the Privilege of the Floor on the Legislative Agenda closed.

**INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS:**

Mr. Kosiur made a motion that Council approves the Consent Agenda and the motion was seconded by Mr. Ferrari.

**Consent Agenda –**

- Resolution No. 2014 – 302 .....Adopted Unanimously
- Resolution No. 2014 – 303 .....Adopted Unanimously
- Resolution No. 2014 – 304 .....Adopted Unanimously
- Resolution No. 2014 – 305 .....Adopted Unanimously
- Resolution No. 2014 – 306 .....Adopted Unanimously
- Resolution No. 2014 – 307 .....Adopted Unanimously
- Resolution No. 2014 – 308 .....Adopted Unanimously
- Resolution No. 2014 – 309 .....Adopted Unanimously
- Resolution No. 2014 – 310 .....Adopted Unanimously
- Resolution No. 2014 – 311 .....Adopted Unanimously
- Resolution No. 2014 – 312 .....Adopted Unanimously
- Resolution No. 2014 – 313 .....Adopted Unanimously
- Resolution No. 2014 – 314 .....Adopted Unanimously
- Resolution No. 2014 – 315 .....Adopted Unanimously
- Resolution No. 2014 – 316 .....Adopted Unanimously
- Resolution No. 2014 – CS - 26 .....Adopted Unanimously

**PRIVILEGE OF THE FLOOR:**

Ms. King invited all who wished to address the City Council on any matter of City business to come forward. The following speakers rose to be heard and their remarks are summarized:

**Joe Rodriguez**, Schenectady – Noted he last spoke at a City Council meeting in November. In follow up he reported going to court today in an effort to comply with the system. He added his elderly mother was directed by City Court to have the code infractions corrected by March 4. He asked why an elderly woman on a fixed income was being put through this. He noted his mother lost her husband last year during a snow storm because the ambulance could not get up the street due to a snow storm. He added the family is not filing a lawsuit against the City as a result. He added that his mother had a recent stroke and other family members who have limited incomes and health issues of their own are chipping in to help her comply. He noted the Code Enforcement officer who cited his mother has reportedly failed the test twice and is still employed by the City. He asked why is this guy harassing his family and not citing other properties on the same street.

**Anthony Cavota**, Schenectady – Noted pros and cons related to the casino. Some of the pros he noted include jobs and money as a result of the casino. Some of the cons he noted include the negative impact the casino will have on problem gamblers and families. He added that people who get Social Security and public assistance are supposed to use that money to pay the rent. But some, he noted will use the money on the lottery and at the casino rather than paying important expenses. He noted the cons outweigh the pros for a casino in the City at this time. He noted the City had earmarked \$3-\$4 million dollars to help build the casino and that's the wrong idea. He noted the City needs more positive ideas and added the City should listen to Council member Riggi because he has good idea that will help the City.

**Jason Planck**, Schenectady – Noted City Council passed a contract worth \$2.5 million dollars related to a federal project and there was no documentation related to certificate of apprenticeship, minority contractors and hiring person with disabilities. He noted the \$13 million dollar construction contract for Erie Blvd had the same issue and not one affirmative action goal was met on that project. He referenced a 1978 law; section 503 which incorporated new regulations this past March. He noted this law calls for a fair minimum of seven percent related to affirmative action and hiring persons with disabilities. He noted the New York State legislature passed affirmative action under the Human Rights Act of 1974 which has similar requirements and it's unacceptable for the City's legal council to claim they did not know about these requirements. He noted the City has a stronger apprentice program than the state but it is bogus for the City to then say it doesn't have to comply with its own program when New York State requirements still exist. He noted in the coming months public work contracts for RFP's should come through the Council and the Council should make sure these requirements are being met. He closed by adding if the City wants to improve the quality of life for its residents the City needs to offer these type of employment opportunities.

**Joy Hall**, Schenectady – Noted concerns about pedestrian safety and the condition of the City streets in the Hamilton Hill area. She closed by wishing everyone a happy holiday.

**Tom DeLorenzo**, Schenectady – Noted he is an attorney and his client owns a business that is run out of property located at 410 Union Street. He noted his client has been making payments toward ownership of the property to the landlord. He noted his client was not aware that the landlord was not paying taxes to the City and the property has since been foreclosed on by the City. He noted communication with the City Law Department following the foreclosure with plans for his client to purchase the property from the City for \$50,000. He noted follow up on title insurance which is very expensive with the understanding that his client would take ownership of the property from the City. He then reported receiving a call from the City Law department and was informed there was another offer on the property. He then questioned the appropriateness of this practice with regards to the City. He noted his client has invested more

than \$25,000 in maintenance costs into the property, some of which was required by Code Enforcement. He closed by asking why the City did not give appropriate consideration to his clients offer.

**Mary McClaine**, Schenectady – “I said it before and I will say it again, there is nothing wrong with the City of Schenectady. The problem lies in this chamber on the Council’s side of the railing when members vote and pass legislation. The trade’s union contract is a perfect example. First, the contract specifically involved couples who work for the city. Members of Council in such a position should have recused themselves from voting. As a taxpayer I saw the matter as a conflict of interest. That was the intent of my comments at the last meeting. A trade union contract today. Another union discipline tomorrow because Council has now opened the door to new give-aways. If a union member doesn’t want to work for the City, he or she is free to find employment elsewhere. You don’t hand them a \$4,000 a year lifetime bonus to stay on the job. Council was wrong when it voted yes for the trade union contract because it made an unnecessary new expenditure for the taxpayer, gave its members more pork and it was a quid pro quo for endorsements. Special interest groups do not endorse candidates on good looks. Folks, out there in T.V. land a vote for a democrat in Schenectady is a vote against yourself. I also want to respond to the comments made during miscellaneous business. A Council member asked, “what do you say to a child who is disturbed by an event?” My answer; Don’t put yourself in that position if you are not academically qualified to handle it. That’s what I learned in psyche class. As for dialogue between the police and community, the Council woman was the agitator. After her appointment to Council she illegally crossed a crime scene. Her accomplice was arrested. The policeman let her go. She said they didn’t recognize her. Now she wants dialogue. Lastly, she said, “ethnicity doesn’t matter. It mattered to her when she selected members to the Affirmative Action Committee. It mattered to her when she wanted an appointment to a Council seat. She thought she was entitled to it because her skin was a different color. One does not need a black skin to represent the black community. Only sincerity is necessary. When I lived in Virginia, I was a camp counselor for black children from the inner city. Some days I was the only white person on the bus. If the Councilwoman lives to be 100 years old she will never achieve my experience and I am the richer for it!”

Seeing no other speakers to come before the City Council, Ms. King declared the Privilege of the Floor closed regarding City Business.

#### **MISCELLANEOUS BUSINESS OF THE COUNCIL**

**Mr. Riggi**– Announced that the monthly Bellevue Preservation League meeting will be taking place on January 8 at 7:00 p.m. at St. Paul’s Church. He noted the speaker is to be announced. He then wished everyone happy holidays. He briefly reflected on his fears for the safety of public safety officials following recent tragedies. He noted it’s important for all of us to count our blessings and to stay safe over the holidays.

**Ms. Perazzo** – Noted a recent letter to the editor regarding a City employee who helped a fellow resident. She noted the City and its staff is always doing more with less. She added the City has a tremendous crew and she thanked them for their service. She then congratulated the Mayor on the recent demolition of blighted property on Cutler and Albany Street. Regarding the casino announcement she noted ongoing conversation is important. She added she has received feedback related to concerns and celebration related to the recent announcement. She then wished everyone happy holidays and noted this can be a challenging time of year for some.

**Ms. Porterfield** – Noted two weeks ago she spoke during miscellaneous business of the Council related to relations between police and the community of color. She noted violence is not the answer and she extended her condolences to the families and colleague of the NYPD officers who recently died in the line of duty. She then noted she would support proposed legislation by Assembly member Jim Tedesco regarding the installation of bullet proof glass in police vehicles. She noted she would like to see the Schenectady City Council pass a letter of support related to this legislation. She then clarified she wasn't arrested and released related to comments from an earlier speaker. She then asked residents who believe in prayer to remember those who are experiencing difficult times during this season. She closed by wishing everyone happy holidays and a prosperous new year.

**Mr. Ferrari** – Wished everyone a happy holiday. He then thanked the Mayor for keeping his promise regarding the demolition of the blighted property on Cutler Street. He added the demolition is an improvement to the neighborhood.

**Mr. Kosiur** – He wished everyone happy holidays. He then noted it will be a prosperous new year with the recent casino award to the City of Schenectady. He then thanked everyone involved with the successful bid for the casino in the City. He noted whether you are for or against the casino he noted it is important to work together. He added the casino will be a benefit to the City, school district and the county. He noted with recent layoffs at the school the additional funding will be important. He noted the municipal housing authority recently hosted a fundraiser for a City family who experienced tragedy. He noted he attended this successful community event. He then noted the Toys for Tots program has been a success. He added that Council member Marion Porterfield and the Schenectady Fire Department were at a recent breakfast at the Hibernian which was sponsored by the Youth Bureau. He noted the event served nearly 200 breakfasts to area youth. He thanked all those involved with Toys for Tots and noted the families served by the program are very grateful.

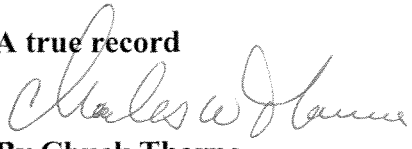
**Mayor McCarthy** – Reflected on prior comments from Mr. DeLorenzo related to property sales. He noted the final decision rests with the City Council. He noted the recent excitement related to interest in City property with offers and counter offers. He noted the overall goal of the HOMES program is to bring about long-term value to the Cities neighborhoods. He then reflected on other investments and collaborations including a \$1 million investment by Capital District municipalities related to pedestrian safety on route 5. He noted the investment includes special attention on the intersection of State and Brandywine. He added the City is fortunate to receive the designation for one of the casinos in New York State. He noted the award is proof that Schenectady's proposal is world class. He noted the casino award includes a \$300 million dollar deal which will have significant impact on City staff related to permitting and construction. He noted the City staff will rise to the challenge. He noted the City was able to take down two more houses which are the worst of the worst with the 108 loan funding. He noted the City is serious about getting rid of blight, but at the same time is marketing to the community regarding available properties. He closed by wishing everyone happy holidays.

**Ms. King** – Noted there has been a lot of exciting developments for the City related to the casino award and lower state street development. She closed by wishing everyone happy holidays.

#### **Adjourned:**

Seeing no further business to come before the City Council, Ms. King asked for a motion to adjourn the meeting. The motion was moved by Mr. Kosiur and seconded by Mr. Ferrari and the meeting adjourned at 7:53 p.m.

**A true record**



**By Chuck Thorne**

**Schenectady City Clerk**