

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

**March 23, 2015**

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 on Rev. Dave Chetram to provide the invocation.

Ms. King then called on Chris Morris to lead the Pledge of Allegiance.

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

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

Excused - John Ferrari

Also Present – Deputy City Clerk Chad Putman, Corporation Counsel Carl Falotico and Mayor Gary McCarthy

At this point, Ms. King asked if there were no objections, she would like to take agenda item number 10, 11, 12 & 13a out of order. There were no objections.

**Resolution No. 2015 - 63 – A Resolution Recognizing Beverly Lewis-Salley during 2015 Women’s History Month.** – Beverly Lewis-Salley accepted the resolution and extended her gratitude for the recognition by the Mayor and City Council.

The resolution was moved by Ms. Porterfield and seconded by Ms. Perazzo. The resolution passed unanimously.

**Resolution No. 2015 - 64 – A Resolution Recognizing Schenectady County Community College Women’s Bowling Team as the 2015 NJCAA Champions.** – Team members and Coach Ray Ross were on hand and extended their gratitude for the recognition by the Mayor and City Council.

The resolution was moved by Mr. Kosiur and seconded by Ms. Porterfield. The resolution passed unanimously.

**Resolution No. 2015 - 65 – A Resolution Recognizing Schenectady County Community College Men’s Bowling Team as the 2015 NJCAA Champions.**– Team members and Coach Ray Ross were on hand and extended their gratitude for the recognition by the Mayor and City Council.

The resolution was moved by Ms. Mootooveren and seconded by Mr. Riggi. The resolution passed unanimously.

**Resolution No. 2015 - 66 – A Resolution Recognizing the Month or March as Lesbian, Gay, Bisexual and Transgender Health Month.**– A representative from the Pride Center of the Capital Region was on hand and extended his gratitude for the recognition by the Mayor and City Council.

The resolution was moved by Ms. Perazzo and seconded by Ms. Porterfield. The resolution passed unanimously.

**PUBLIC HEARINGS:**

**1. Amending the Schenectady City Code, Chapter 68 regarding the Housing Standards and Review Board**

**Steve Markham, Schenectady** – “I am a member of SLIC, Schenectady Landlords Influencing Change. Referring back to November 20, 2012, Gazette article by reporter, Kathleen More, the headline reads, “Review Board eyed for code violations. City-landlord disputes would be heard”. This article begins with “Schenectady may soon have a board to mediate disputes between the expanded code enforcement department and city landlords”. To further quote, “The board was supposed to rule on any complaints regarding code violations or rental certificate inspection failures for multi unit dwellings. The goal according to the city’s code was to give landlords a way to appeal code enforcement decisions without going to court.” The article also states, “The board has the power to uphold, modify or eliminate any code violation or inspection failure”. It goes on to say, “In addition to determining whether an inspection went beyond the city’s codes, the board could also determine that some violations were not serious enough to require sanctions.” This information was publicized following SLIC’s request for the City to reinstate this long-dormant board that was still on the books since its creation in 1991. According to the above article, Councilwoman Leesa Perazzo said, “It seems to make sense” and planned to bring up the issue at a future meeting for “changes and tweaks”. It’s been over two years since that initial article was published. Last week, we finally received the proposed revision of the Housing Standards Review Board. The Term, “tweak”, does not begin to describe what was done to this board! For example, in comparison to the above Gazette description of the board, the revision now states: Item 68-1 Creation: purpose to: receive comments from the public related to the housing standard requirements of New York State and the City of Schenectady, as well as the operations of Code Enforcement and Buildings Department. Also: Item 68-10 Powers: (A) Rules and regulations. The board is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of this chapter and to secure the intent thereof. Such rules and regulations shall not be in conflict and to secure the intent thereof. Such rules and regulations shall not be in conflict with the provisions of this chapter or any other ordinance of the city nor shall they have the effect of waiving any provisions of this chapter or any other ordinance. We ask, what exactly does all this verbiage mean? What purpose does it serve?”

**Chris Morris, Schenectady** – “I am the Director of SLIC. Nowhere in the drastically altered version of the Housing Standards Review Board do we find any reference to the very reason SLIC was requesting its reinstatement in the first place! That would be the appeals process and the power of the board to pass judgment on code violations issues. We feel the original intended benefit and purpose of this board have been obliterated and replaced by ineffectual, non-specific words. From what we are seeing in this proposal, we can only come to the conclusion that the City just doesn’t choose to relinquish any control in regard to Code Enforcement rulings and doesn’t want to allow for any formal arbitration process. This impression only solidifies and furthers the sense of intimidation and oppression that many express. We are seeking fair and just legislation encouraging us to “help” the city, rather than “fight” it! Ultimately, everyone’s goal is to improve the overall quality of the City’s rental properties. We need to establish more security and sustainability in this business and create greater incentive for future investment. Only through cooperation, collaboration and a like-minded vision can we hope to achieve our

collective goal. In closing, SLIC asks the Council to address the issues we have expressed regarding this revision by going back to the “drawing board” and work to restore the “appeals” and “powers” sections of the Housing Standards Review Board as initially created. We understand that the board would have to take into consideration the concerns of City Council, the Mayor, and the Building Inspector regarding the importance of “life safety” violations and would not suggest unwarranted interference in such matters. We also ask that the board be allowed to determine the most expeditious and reasonable steps to best carry out an “effective” mission. Thank you for your attention. We, in SLIC, look forward to your response in the weeks to come.”

## **2. Regarding the Possible Closing of the Pedestrian Tunnel between Watt Street and Grout Park**

**Patricia Smith, Schenectady** – Noted the pedestrian tunnel has been an issue for a long time. She noted in the past the tunnel served a purpose but now it’s an escape route for criminal activity. She added the tunnel contributes to drug related activities and makes Grout Park unsafe. She noted the area is littered with trash and tagged with graffiti. She shared reports of residential break-ins in the area and families leaving the neighborhood due to safety concerns. She added vacant properties are also vandalized in the area of the tunnel. She noted she has a petition with 58 signatures on it in support of the tunnel being closed.

**Donna Foley, Schenectady** – Noted she supports the closing of the pedestrian tunnel. She noted it use to be a safe walk-way for students to take to school or to the playground but that has changed. She noted the tunnel is now venue for drug and criminal activity. She noted the area is not accessible to police patrolling the neighborhood and is a haven for litter and vandals. She noted she lives in the neighborhood and following recent residential break-ins she secured a home security system. She closed by noting the tunnel has a negative impact on the quality of life for residents in the neighborhood. She hopes the DOT will agree with the residents and close the tunnel.

**Linda Kelleher, Schenectady** – “I am speaking tonight as a concerned resident of the Central State Street Neighborhood. As the President of Central State Street Neighborhood Association and as the delegate to Schenectady United Neighborhoods, I try to remain vigilant about city issues especially public safety issues. Public safety is an ongoing concern of city residents. The tunnel at Grout Park is a public safety issue for nearby residents, residents of the north end of the Central State Street Neighborhood and residents of the Town of Rotterdam. It once served to link neighborhoods now it has become an escape route for criminals and vandals. I understand that this is an issue for DOT and that members of the Mont Pleasant Neighborhood Association are gathering signatures from nearby residents on petitions to submit to DOT. The escape route must be closed off. I support the efforts of the Mont Pleasant Neighborhood Association and the city administration and Council should also support their efforts to close off the tunnel at Grout Park to promote public safety in the city. Thank you.”

**Joe Kelleher, Schenectady** – Read a letter on behalf of Fred Lee, President of the Schenectady United Neighborhoods and Schenectady Neighborhood Watch. “Schenectady Neighborhood Watch is always concerned with enhancing public safety for all of the residents and guest of the City of Schenectady and Schenectady County. There are numerous structural suggestions that we can and have made to aid in accomplishing that goal. The closing of this tunnel would be a good step in this arena. When I-890

opened this tunnel most likely represented a concession to residents about dividing a neighborhood. Many of those residents have moved on long ago. It has however become a tool of criminal activities in the southeast section of the city and town of Rotterdam. I personally became aware of its existence, ten years ago, when I participated in a ride along with Schenectady Police Department to serve on the Civilian Police Review Board. After about 30 minutes in the back of a squad car, we received a call that there was an armed robbery in progress at the convenience store located near the tunnel's entrance. The victim state that the perpetrator ran down the street and through the tunnel. On the far side an eyewitness on the south side said he observed a male running through back yards and that he had pitched an object in one of the backyards. We spent over an hour with flashlights searching for what was presumed to be a gun. The incident required duplicate sets of police cars on both sides of the expressway, for fear the criminal circled back. We would recommend the tunnel be equipped with strong gates, equipped with locks available to Public Safety Officers, in the event the tunnel needs to accessed, to serve as a pass through for fire and manmade or natural disaster situations. We recommend that this be accomplished before the summer season, since there is normally an increase in activity."

**APPROVAL OF MINUTES:**

Ms. King asked for a motion to approve the minutes from the March 9, 2015 Council meetings as submitted by the City Clerk; Ms. Porterfield made a motion to approve the minutes, Mr. Mootoveren seconded the motion.

**Communications Presented to the City Council for Monday March 23, 2015**

**Official:**

From the Mayor a list of appointments dated March 23, 2015

**General:**

None

**Petitions:**

None

**COMMITTEE REPORTS:**

None

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

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

**Jason Planck**, Schenectady – Noted concerns related to the proposed legislation regarding Best Value Purchasing. He noted the Affirmative Action Committee was supposed to review and provide feedback and he does not believe this occurred. He noted the best value purchasing practice discriminates against persons with disabilities. He referenced the Erie Blvd project and noted the City committed malfeasance and the round-about contract was not an oversight. He then referenced specific sections in the proposed legislation including 62-3 through 62-5. He noted the sections do not give preference to Schenectady based businesses and small businesses are excluded. He added Council

member Mootooveren asked that the language in section 62-5 read “shall” rather than “should”. He asked again where the recommendations from the Affirmative Action Committee are and noted the City has to comply. He closed by noting that 50 percent of the recipients benefiting from safety net services awarded by the County Department of Social Services live in the City of Schenectady.

Seeing no other 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. Mootooveren.

**Consent Agenda –**

Local Law No. 2015 – 03 .....	Adopted Unanimously
Ordinance No. 2015 – 03 .....	Adopted Unanimously
Resolution No. 2015 – 67 .....	Adopted Unanimously
Resolution No. 2015 – 68 .....	Adopted Unanimously
Resolution No. 2015 – 69 .....	Adopted Unanimously
Resolution No. 2015 – 70 .....	Adopted Unanimously
Resolution No. 2015 – 71 .....	Adopted Unanimously
Resolution No. 2015 – 72 .....	Adopted Unanimously
Resolution No. 2015 – 73 .....	Adopted Unanimously
Resolution No. 2015 – 74 .....	Adopted Unanimously
Resolution No. 2015 – 75 .....	Adopted Unanimously
Resolution No. 2015 – 76 .....	Adopted Unanimously
Resolution No. 2015 – 77 .....	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:

**Anthony Carota**, Schenectady – Noted his thoughts are with the victims of the Jay Street Fire. He then noted it is a joke how the Mayor has handled the situation. He noted the City should house the victims by using the \$400,000 it’s currently using to demolish the burned out buildings. He then congratulated the media and Fire department. He noted the City is impacted by crime, shootings and robberies and the innocent are being victimized. He closed by noting the ball is in the Mayor’s court.

**Jason Planck**, Schenectady – Noted an article in the Albany Times Union which reported Schenectady has the highest property taxes in the region. He noted the City’s administration blames others rather than taking responsibility for it. He noted the Council agenda has several tax certioraris on the agenda which is evidence of the need for a City-wide reassessment. He noted with regards to the PILOT programs the City is in the practice of transferring jobs and not creating them. He noted the GE battery plant is reducing jobs and he advised the City to reduce the PILOTS. He also advised that Price Chopper headquarters on Nott Street is benefiting from a PILOT which he advised should be reduced in order for the City to capture more revenue. He then asked why the City is establishing PILOTS for luxury apartments and the ALCO site. He added that 50 percent of the DSS recipients live in the City. He closed by noting the City and County sales tax agreement is an old formula and costs the city \$4.5 million dollars per year.

**Joy Hall.** Schenectady – Noted the City needs to fill the potholes on the City streets. She is also concerned about seniors crossing Cross Street and asked for walk lights to be installed. She closed by noting that speeding and crime are both issues in the City.

**Joe Kelleher,** Schenectady – Congratulated the City Council members who won the election this past November and also apologized for any campaign literature that may have offended his challengers. He then noted his support of the victims of the Jay Street Fire and noted he had an opportunity to visit the crises shelter following the fire. He then noted he has a new job at the Veteran Miracle Center as the Spiritual Assistant. He noted the organization is located in Albany, NY and can be reached by phone: 518.486.8398 or email: info@vmcalbany.org. He closed by noting his efforts to collect clothing for the veterans closet and flags for the American Legion Niskayuna, Post 1092.

**Stefan Kruger,** Schenectady – Noted he is with the Rotterdam Rescue group and has been in regular attendance at City Council meetings in relation to advocating for dogs in the City shelter. He noted the City Facebook page is slow to update and sometimes it can take up to six or seven days before a stray dog is posted. He added there is a second Facebook page, but he is unsure if it's affiliated with the City and he noted he cannot "Like" the page. He added he the Rotterdam Rescue group of volunteers wants to help the City care for the dogs in the shelter and he hopes the group has not been pushed out after their advocacy. He closed by sharing an interaction one of the Jay Street Fire victims had with one of the City's Animal Control Officer which he reports was an unprofessional interaction.

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**– Thanked the speakers who came out regarding the pedestrian tunnel public hearing. He noted the neighborhood feelings about closing the tunnel are clear. He then announced the Bellevue Neighborhood Association will meet on April 9<sup>th</sup> at 7pm at St. Paul's Church at 1911 Fairview Ave. He noted Schenectady Police Chief Brian Kilcullen will be the guest speaker. He then extended his gratitude to the Police and Fire Department for their ongoing service in reflection to the Jay Street fire. He noted his son gave him a copy of a 1937 City Council manual for his birthday which illustrated changes in tax rates and salaries.

**Ms. Perazzo** – Noted there will be a fundraising event, Laughter Saves Lives (comedy tour) taking place on April 4 at the Proctors – GE Theatre. The event starts at 8:00 p.m. and tickets are \$30. Proceeds will benefit the Schenectady Firefighters Cancer Foundation.

**Mr. Kosiur** – Noted the Woodlawn Neighborhood Association will host its monthly meeting on March 25 at 7:00 p.m. at the Hibernian Hall on State Street. He noted Mayor Gary McCarthy will be the guest speaker. He then noted the Good Friday Cross Walk in Mont Pleasant will take place on April 3rd, at 10:00 a.m. at Holy Name of Jesus National Catholic Church, 1040 Pearl Street. The walk will end at the hosting church, The Bridge Christian Church, 735 Crane Street, around 11:45 a.m.

**Mayor McCarthy** – Wished Council member Vince Riggi a happy birthday. He then thanked the first responders for their ongoing service related to the Jay Street fire. He also extend his appreciation to City personnel, City Council and the community for their efforts and patience as the Jay Street fire site is demoed and cleaned up. He noted the site is more stable and the efforts continue to get the businesses back up as soon as possible. He expects the cleanup to cost the City an estimated \$400,000 and added leaving the burned out buildings as blight in downtown was not an option. He noted the properties would have had a negative impact on adjacent

property values. He closed by noting Schenectady is an example to other municipalities in the state with regards to the Cities handling of tragic fires and related demolition. He appreciates the City Council's ongoing support.

**Ms. King** – Extended her appreciation to the Mayor and City personnel for their handling of the Jay Street fire and related cleanup. She then wished Council member Vince Riggi a happy birthday.

**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. Mootoveren and the meeting adjourned at 8:04 p.m.

**A true record**



**By Chad Putman**

**Schenectady Deputy City Clerk**