

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

May 27, 2015

The City Council Meeting was called to order by the City Council President Margaret King at 7:08 p.m. in Room 209, City Council Chambers at City Hall.

Ms. King asked for a moment of silence.

Ms. King then called on Council Member Marion Porterfield to lead the Pledge of Allegiance.

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, John Mootoveren, Leesa Perazzo, Marion Porterfield, and Vincent Riggi

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

At this point, Ms. King invited Paul Fahey with the Schenectady County Visitor Association (SCVA) to address the Council related to the screening of a Schenectady County promotional video.

PUBLIC HEARINGS:

None

APPROVAL OF MINUTES:

Ms. King asked for a motion to approve the minutes from the May 11, 2015 Council meetings as submitted by the Deputy City Clerk; Mr. Ferrari made a motion to approve the minutes, Mr. Kosiur seconded the motion.

Communications Presented to the City Council for Monday May 27, 2015

Official:

From the Mayor a list of appointments dated May 27, 2015.

General:

None

Petitions:

None

COMMITTEE REPORTS

Marion Porterfield, Health & Recreation – Noted the Recreation Advisory Commission has completed its assessments of City parks. More information related to the outcome of the assessments to be announced.

Leesa Perrazo, Finance – Noted the committee reviewed the 2014 independent audit report and she thanked City personnel for their time and efforts related to the successful audit. She added the City has received a clean report for the last two years. She noted that the Finance Commissioner requested an

amendment to the 2015 budget to fully pay on 2015 retirement benefits. She noted the finances of the City have improved along with our ratings and she is proud of the City's current financial position.

Leesa Perazzo, Government Operations – Noted the Housing Standard Review Board proposed ordinance changes have received much attention and discussion by the City Council. She noted the follow up has lead to a positive outcome.

PRIVILEGE OF THE FLOOR (LEGISLATIVE ITEMS)

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

Steve Markham, Schenectady, NY – “I am a member of SLIC, Schenectady Landlords Influencing Change. Tonight, we ask the City Council to vote no on the Housing Standards Review Board revision as currently proposed. As it stands, the revision does not provide this board the necessary structure and backbone to assure a balanced and reasonable forum for code violation disputes. We feel that there needs to be a more definite, effective purpose spelled out, along with specific guidelines stating how this board will function. The following points of information should be specified in writing. (1) How the public is informed of the available process. (2) Factors determining what cases might be eligible for a hearing and review. (3) Rules of application. (4) Possible expectations and results. We concur that Health and Safety issues should be flagged and require proper and expeditious handling. The board's application process and determinations should be set up to reflect any urgency of this nature. Several times during past public Council sessions on this topic it has been stated that an “appeals process is built in”. Exactly where is that written? Does the word “appeals” appear anywhere in the “notice of violation”? Recipients of code letters have expressed concerns about the strong, intimidation language and what seem to be unreasonable fines, fees and/or time frames dictated. The knowledge of the ability to appeal to this board would provide some sense of relief knowing that there might be a neutral listening ear with possible help in determining a fair resolution. We would like to sight four examples of cases for board review. Case 1 – A landlord received a violation re; bedbugs. Because he already knew of the problem, he had begun treatment of the situation through an exterminator prior to the date of the violation. He provided documentation showing the remediation process and compliance. In the upcoming weeks, despite his time and effort, circumstances and missteps by code caused this landlord to have to go to court anyway and deal with more loss of work time plus more aggravation and frustration. Case 2 is next...”

Chris Morris, Schenectady, NY – Director of SLIC – “To continue with our cases... Case 2 – A homeowner on Bedford Street in Schenectady received two letters from code in May of 2014. One notice of violation was for not having rental certificates for his property; the other was for needed porch repairs. As the facts played out, the rental certificate violation was in error because the owner and his wife were the only occupants for the past nine and a half years and the porch issues were something he was in the process of addressing, but went through nine days of permit and scheduling challenges with code to satisfy requirements. He submitted the following letter to his lawyer seeking advice and expressing upset with code tactics. (Read Letter) Also of interest are some excerpts from his two-page document entitled, “My code experience”. I was constantly going back and forth between home and the permit office six times in all. Thank God I'm retired and still driving. It's no wonder some property owners decide to abandon their houses. After a while the code violation fines repair costs and permitting aggravations aren't worth it. Better to move to Florida or Arizona and forget it. The civil service title of code enforcement officer has gone to their heads. They act

like accusers, judges and prosecutors not helpful civil servants. I object to the notices (posted on my front doors) and their language and the presumption that I was a criminal. And on that note we say how you are made to feel often determines how you react and how logically and successfully you can deal with a situation. A review board can only be effective and worth having if it can help stimulate, encourage and facilitate compliance in the often difficult situations with code. The next cases are to follow..."

Bonnie Treat, Schenectady, NY – Noted her and her husband are landlords and members of SLIC. She noted in the past they could have benefited from the Housing Board. She then shared examples of interactions with the Code Enforcement office with one ending in her husband paying a fine. She noted the other situation occurred more recently related to an abandoned building and when they attempted to meet with the director of the Code Enforcement office Mr. Shilling was not available. She noted the repairs were done within the 30 day period with the exception of the painting which was addressed shortly after. She noted they were then notified of verbal violations and that the case was being referred to the Law Department. After receiving a letter of compliance from the Code Enforcement office they were notified by Corporation Counsel that the fines and fees were rescinded. She noted if there was a built in appeals program in the Code Enforcement office she is not sure what that would be. She added tax payers need a review board to help solve their problems without the need to go to the Law Department. She closed by noting the review board has no teeth, structure or authority as it is currently written.

P.D. Voorhis, Schenectady, NY – Noted that she does not know where 220 Jay Street is located despite having lived on Jay Street for more than a decade. She questioned the appointment of Sara Bonacquist who is reported to live at that address. She added it would be important for the individuals being appointed to the City boards and committees to be present at the Council meeting so that residents can meet them. She noted any of the boards or committees that the City host should be posted on the internet in the appropriate place. She added it would be beneficial to have at least one City Council member on each of the boards and committees. She noted the Jay Street fire is going to cost \$4.5 million dollars and the Erie Blvd is going to be another \$1.5 million dollars. Regarding the waiver of interest is noted the practice is contrived. Regarding #4 on the agenda she noted the City is getting to many PILOT programs which need to be explained further.

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. Ferrari.

Consent Agenda –

- Ordinance No. 2015 – 06Adopted Unanimously
- Ordinance No. 2015 – 07Adopted Unanimously
- Resolution No. 2015 – 127Adopted Unanimously
- Resolution No. 2015 – 128Adopted Unanimously
- Resolution No. 2015 – 129Adopted Unanimously
- Resolution No. 2015 – 130Adopted Unanimously

Resolution No. 2015 – 131	Adopted Unanimously
Resolution No. 2015 – 132	Adopted Unanimously
Resolution No. 2015 – 133	Adopted Unanimously
Resolution No. 2015 – 134	Adopted Unanimously
Resolution No. 2015 – 135	Adopted Unanimously
Resolution No. 2015 – 136	Adopted Unanimously
Resolution No. 2015 – 137	Adopted Unanimously
Resolution No. 2015 – 138	Adopted Unanimously
Resolution No. 2015 – 139	Adopted Unanimously
Resolution No. 2015 – 140	Adopted Unanimously
Resolution No. 2015 – 141	Adopted Unanimously
Resolution No. 2015 – 142	Adopted Unanimously
Resolution No. 2015 – 143	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 after the assault incident occurred at SCCC a reporter with Channel 6 asked the City’s Safety Commissioner about the safety of City residents. He added, the Commissioner reported, there are none. He noted there was an individual who was breaking into residence’s homes and performed lewd acts in front of children. He noted a friend did a video outside of City Hall related to Code violations including broken windows and uneven sidewalks. He noted these infractions are all over the City as well. He added this occurs while Code Enforcement is targeting residents with similar violations. He noted the City has serious issues that need to be taken care of including homelessness.

Jason Planck, Schenectady – Noted two weeks ago the Mayor made a false statement. He noted reviewing actual documents from 2013 that indicate the referenced hotel paid \$0 in property taxes and \$0 in PILOTS. He noted the Mayor must have information on payments from 2014 or 2015 that others are not privileged too. He noted the City hosted grievance hearings this week and residents are not given the reductions that larger developers are getting on properties. He noted the whole City needs a reduction following a City wide reassessment. He noted the City has not hosted the council related to the established state regulated Economic Development Zones. He noted the City is required to submit a report every April 1st and the only reports that he said are available are from 2005 and 2007. He added the City claims that 6,700 new jobs have been created and Metroplex said that they don’t have the documentation to prove that. Where are these jobs he asked? He closed by noting the City is giving out 10’s of millions of dollars and the City can’t prove job creation. He added the purpose behind the PILOTS is to increase the value of property benefiting from the programs. He would like to see a reassessment in the City.

Joy Hall, Schenectady – Noted drivers are turning on red lights and driving down the wrong way on one-way streets. She added City sidewalks also need to be improved. There also needs to be more signs and walk lights.

Mohamed Hafez, Schenectady – Noted that when he last spoke in front of the City Council related to establishing a casino, host-city agreement the Mayor responded to his report. He added the Mayor reported that New York State laws are different and that the City is getting more from our casino agreement and that he was spreading misinformation. He noted he is not spreading misinformation and that the City does not have host-city agreement with the casino developers. He noted in another upstate community in Seneca County the state did not prevent the host-

municipality from signing an agreement with the casino developer. He added this town of 1000 or less will receive \$4 million dollars from this casino developer each year in addition from the state. He noted the City of Schenectady will only be receiving \$4 million dollars from the state and not the casino developer because there is no agreement. He noted the City Council voted to allocate revenue from the casino to reduce property taxes and the City will not benefit from any direct funds from the casino without this type of agreement. Therefore he noted the City is not getting more than other municipalities and if the City had established an agreement they would have benefited from more funds. He closed by asking the City to demand an agreement from Rush Street Gaming and noted he has a sample agreement he will leave with the Council for review.

Mary McClaine, Schenectady – “The city has a document called the comprehensive plan. It cost the taxpayers a lot of money to put together. In each chapter, it calls for beautification as a goal for every neighborhood. Does the city consider how a project will beautify a neighborhood after a job is finished? The city is working on my street. It’s a half – baked job. It was better to leave it the way it was rather than spend all that money to patch it up. There is nothing beautiful about. Go back and do it right, please. Another item: About 4 months ago, I reported to then Council that I see negatives every day at the corner of my street. No one called to say, “show me what you mean”. So tonight I am going to spell it out for you. Five years ago, when I started to plant the island garden there was a light pole in the middle of the plot. The city did some work on the island. The pole was in the way so it was taken down and placed on the side of the street. I reported the situation to a Council member and gave her the number of the pole. It has been laying there for five years. Two weeks ago, I asked the workers to remove it. Another item: Nott Street was paved 2.5 years ago. Someone carved a square around a manhole. The square was filled with cement. Later $\frac{3}{4}$ of the square was covered with asphalt. A third of the square still has the cement showing. In the 14 hundred block of Nott Street, the square was dumped with concrete and never covered over with asphalt to match the rest of the street. Last item: The monstrosity at the corner of Nott Street and Wendell Avenue. The city replaced evergreen trees, flowering plants and a well manicured plot with concrete wall and parked cars. The new Ellis Hospital sign is as cold looking as the corpses in the morgue. To all the achievers in this administration to the decision makers, to those who have a voice, I say, you trashed my neighborhood.”

Elmer Bertch, Schenectady – Noted there is a group interested in forming a Schenectady Green Party with plans to meet on May 30 at 1:00 p.m. at the Niskayuna Library. He then noted he wanted to call attention to the Metroplex law that refers to the Schenectady City Council. He then read the portion of the Metroplex Law which relates to the City Council regarding required mutual reports. He added Metroplex is required to provide details of projects, monies extended and administration activities from the prior year. He noted board members are required to be prepared to answer questions from the Mayor and City Council. He noted this has never happened to the best of his knowledge. He noted the body is acting for the residents and people don’t know what economic activities are happening in the City. He noted Schenectady is largely a community of two-family properties and the current economic development practices via Landbanks offers only a limited solution. He closed by imploring the City Council to call on its two representatives on the Metroplex board for a written and verbal report.

P.D. Voorhis, Schenectady – Noted concerns related to proposed pilot projects related to Code Enforcement and shared municipality agreements. She noted concerns related to Lithomania which she indicated means “over construction”. She added that she has talked about these concerns in the past. She noted issues with gender-based over construction and that men are being taken care of first. She added she is concerned about being pushed into a housing program

she can't afford in order to live a subsidized life. She noted Schenectady is a greedy place and that the City has no shame about ways to be creative on how to make money.

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

Ms. Porterfield – Noted thanks to everyone who supported the Memorial Day flag observation. She thanked local businesses and YouthBuild for their support with the event. She added the YouthBuild students appreciated the opportunity to participate in the event. She noted the memorial flags will remain up until Flag Day. She added residents interested in purchasing a flag to memorialize a veteran can continue to do so.

Ms. Perazzo – Extended her thanks to all the veteran organizations for putting together very meaningful ceremonies in relation to the service of our veterans. She added community participation was evident and the events caused residents to pause in remembrance. Regarding SLIC member comments noted earlier she added she is not sure where the group and City Council do not see eye to eye. She noted the Housing Standards Review Board will create a place for landlords with concerns to be heard. She closed by thanking her colleagues for their work on the board.

Mr. Mootoveren – He welcomed Horace Perryman to the Civilian Police Review Board and noted he expects the board to continue its good work. He added they meet the second Wednesday of every month in City Hall and the meetings are open to the public.

Mayor McCarthy – Thanked the City Council for adopting the 2014 audit. He noted the City has continued improvements with regards to finances. He noted his administration mapped out a plan four years ago for long term and sustainable growth. Regarding comments related to the Housing Standard Review board he noted there is an appeal process that does work internally. He added he encourages City staff to use a common sense approach and to solve problems and not create them. He then noted the Metroplex board does provide an annual presentation at City Council and on the County level.

Ms. King – Noted the Memorial Day ceremony was well done this year. She then congratulated Brian Merriam related to the recent unveiling of the new statues of Thomas Edison and Charles Steinmetz which are now on display in downtown Schenectady on Erie Blvd.

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 7:59 p.m.

A true record



By Charles Thorne

Schenectady City Clerk