

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

December 12, 2016

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

Ms. Perazzo asked Rev. Jonathan Vanderbeck of First Reformed Church to provide the invocation.

Ms. Perazzo then called on Police Chief Clifford 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 Edward Kosiur, John Mootooveren , Leesa Perazzo, John Polimeni, Marion Porterfield, Vincent Riggi and Karen Zalewski-Wildzunas

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

At this point, Ms. Perazzo asked if there were no objections, she would like to take agenda item number 14 out of order. There were no objections.

Resolution No. 2016-290 – A Resolution Recognizing Michelle and Hal Bergeron. Michelle and Hal Bergeron were on hand, joined by their family, and they extended their gratitude for the resolution and recognition by the Mayor and City Council.

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

PUBLIC HEARING:

None

APPROVAL OF MINUTES:

Ms. Perazzo asked for a motion to approve the minutes from the November 28, 2016 Council meeting as submitted by the Deputy City Clerk; Mr. Polimeni made a motion to approve the minutes, Ms. Zalewski-Wildzunas seconded the motion.

Communications Presented to the City Council for Monday, December 12, 2016

Official:

From the Mayor a list of appointments dated December 12, 2016.

From Paul LaFond, Commissioner of General Services, a letter dated December 12th adopting procedures and policies for procurement of goods and services related to storm recovery for the North Ferry Street Pump Station.

General:

None

Petitions:

None

COMMITTEE REPORTS

None

PRIVILEGE OF THE FLOOR (LEGISLATIVE ITEMS)

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

Tony Buonome, Schenectady - Noted that he does not like smoking but doesn't believe there needs to be legislation related banning smoking in cars with minors. He added that he has pulled up to vehicles with loud music and people do what they want in their own vehicles. He also questioned what impact the new ban would have on visitors coming into the City.

Rev. Horce Sanders Jr., Schenectady - Noted he is the pastor at Mt. Olivet Church and was present to speak on item number 11. He noted that he will be working with colleagues to secure needed signatures to name a portion of Albany Street to Dr. Martin Luther King (MLK) Jr. Way. He added there is discontent regarding the City Code limitation of two-blocks for the ceremonial renaming. He noted the ceremonial renaming stretch of Albany Street should extend more than two blocks considering MLK's legacy. He then thanked the Council for recommending engagement with the community regarding the effort. He added the feedback has been in relation to extending Rev. MLK Way beyond the two blocks and that the requirement for signatures should be waved.

Mary McClaine, Schenectady - "Item #11 - Ceremonial name change street. In this day and age of terrorism why is changing street names even on the Council agenda? My relatives live in rural Virginia and rural Pennsylvania. After 911, the postal service changed the names of rural roads and gave all the homes an address and house numbers. It was a safety measure so that first responders could easily find the places in case of emergencies. Tonight City Council plans to carve a portion of an eight mile, established city street and name it *Martin Luther King Jr. Way* so that a local group can use the ceremonial name change to celebrate its 30th anniversary. The city already has a building named after the slain civil rights leader. Why not incorporate the building into the special event? For instance, plant a tree on the school campus. Label it the "I have a dream tree." Erect a marker with a Dr. King quote, flank the items on both sides of the front entrance to the school or do what I did, go visit his grave. It is the ultimate tribute to his memory. A pilgrimage to Atlanta, Georgia. Walk through the Ebenezer Baptist Church where Rev. King preached his sermons. I did! Take the visitors tours, become familiar with the places he know, I did! Read the story and look at the pictures of the civil rights movement while going through the Atlanta Airport, I did! It's a moving experience. But don't disturb Albany Street. The coalition can use other options for their celebration. Be creative."

Rev. Phil Grigsby, Schenectady - Noted he is the Executive Director for Schenectady Inner City Ministries (SICM) and that he is supporting the effort related to renaming a portion of Albany Street to Dr. Martin Luther King Jr. Way. He added that Schenectady is the only major city in the capital region that does not have a designated area in honor of Dr. Martin Luther King Jr. He added that this is a fitting time given the 30 year anniversary of the Schenectady County Human Rights Commission MLK Coalition. He suggested the effort should be exempt from the City Code requirement of collecting 500 signatures and should extend Rev. MLK Way beyond the two blocks.

Stephen Stukes - Noted he is a business owner and was on hand to speak about item number 11. He recited a quote from Dr. Martin Luther King Jr. and noted Schenectady is the only city without a landmark. He added that he agrees the ceremonial stretch named after Rev. MLK Jr. should be longer and he supports the effort to collect the signatures. He closed by noting that people need to know about the effort.

Marva Isaacs, Schenectady - Noted the Commissioner of the Human Rights Commission is not in attendance tonight and should have been here in support of the effort to rename a portion of Albany Street to Rev. MLK Way. She added the City Council is not to blame, the Commissioner is.

Seeing no other speakers come before the City Council, Ms. Perazzo declared the privilege of the floor, regarding the Legislative Agenda, to be 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 –

- Ordinance No. 2016 – 23Adopted Unanimously
- Resolution No. 2016 – 291Adopted Unanimously
- Resolution No. 2016 – 292Adopted Unanimously
- Resolution No. 2016 – 293Adopted Unanimously
- Resolution No. 2016 – 294Adopted Unanimously
- Resolution No. 2016 – 295Adopted Unanimously
- Resolution No. 2016 – 296Adopted Unanimously
- Resolution No. 2016 – 297Adopted Unanimously
- Resolution No. 2016 – 298Adopted Unanimously
- Resolution No. 2016 – 299Adopted Unanimously
- Resolution No. 2016 – 300Adopted Unanimously
- Resolution No. 2016 – 301Adopted Unanimously

An Ordinance Prohibiting Smoking in a Motor Vehicle where a Minor is a Passenger. 2016-24

The motion was moved by Ms. Zalewski-Wildzunas and seconded by Mr. Polimeni
5:1:1

Voting AYE: Kosiur, Porterfield, Mootooveren, Polimeni & Zalewski-Wildzunas

Voting NAY: Perazzo

Abstain: Riggi

Ms. Porterfield - Noted questions related to the enforcement of the new ordinance. She added it's an opportunity to increase awareness and worthwhile to pass.

Ms. Zalewski-Wildzunas - Noted there is already code that bans smoking in city parks and this ordinance is the next step.

Mr. Polimeni - Noted second-hand smoke is one of the top ten cause of death for children. He added more than seven million kids have asthma and that respiratory issues were a leading cause for children visiting emergency and urgent care. He noted that he understands concerns related to the ordinance specific to property rights but also reflected on the health care cost impacting tax payers. He added that 56 billion dollars was spent on asthma alone in addition to increases in healthcare premiums. He noted children should be playing, not in a hospital and are not in a position to protect themselves.

Mr. Riggi - Noted he shares concerns related to health care issues. He added that he is not a fan of smoking and he also recognizes the enforcement issues. He noted this is something the state should pursue and he questioned why the insurance lobby was not advocating for this ordinance on the state level. He noted there are many laws on the books including those addressing graffiti and litter and there

are already issues with enforcement. He noted an additional law is a burden on the police and law department. He added that Vermont has a state wide law related to banning smoking with minors in the car but is tied to children in safety seats. He also questioned how the police officers will be able to verify the age of the child in the vehicle and that this could be a ball of confusion. He asked where does the policing end and will the next ordinance ban smoking in a residence. He added the ordinance does have merit however he would like to see this issue addressed on the state level.

Mr. Mootoveren - Noted the Council has previously passed an ordinance to ban smoking in taxi cabs and that this new law banning smoking in cars with minors will protect kids. He added it is important to look at health care costs and a need to work with the police department on public awareness. He acknowledged it will take time.

Ms. Perazzo - Noted she had struggled with this ordinance on the local level. She questioned the impact on people traveling into the city who are unaware of the law. She added that she would like to see the issue addressed on the state and federal level and should include a public education component. She noted that she does not disagree with the intent of the ordinance but does not believe a new law will impact the billions of dollars spent on health care related to the issue.

PRIVILEGE OF THE FLOOR:

Ms. Perazzo 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:

Christopher Marney, Schenectady - Noted he is with the Erie Blvd Association in relation to traffic mitigation. He noted there has been an average of one accident a month, however there were no severe injuries.

Tony Bounome, Schenectady – Noted the city is receiving money from the state for a project on State Street and that he hopes the Oak Street Bridge project is completed before the State Street project.

Marva Isaacs, Schenectady - Noted concerns related to parents smoking in cars with minors. She noted the proposed ordinance is a good thing.

Mary McClaine, Schenectady - "On November 28, a Council member took all the time he wanted to build a case for the inanimate object that Smart City Schenectady is pushing. I timed the minutes of his remarks from the re-plot tape of the City Council meeting. He started at 7:49 p.m. and finished at 7:55 p.m. That is more than three minutes. There was no cacophony coming from the chair, nor lights flashing in his face. But citizens who stand at this podium to speak on quality of life issues are always cut off. Don't think for a minute that the folks in T.V. land haven't noticed. Schenectady is the only place where the Council President cuts off the speakers and it is happening because her colleagues put her in that chair. Council members don't deserve more than the people who pay their salaries and medical coverage. On another note: If you see something, say something. I see a lot. Seneca Street is a dump site. There is no reason for it to look that way. The public works building is on that street. City workers should use their day hours to clean it. Seneca Street also crosses Van Rankin Avenue. That corner is filthy. It has a dirty building, cracked asphalt, rusty guard rail and unchecked weeds. Such conditions would not be allowed downtown or on Upper Union Street. All the slop ends up in Goose Hill. That is what the visitors will see from the new hotel rooms, weeds and litter. The building sare high enough to look across Erie Blvd. to Seneca Street. By the way, the Governor vetoed the bed tax. So much for wonderment!"

Joy Hall, Schenectady - Noted she agrees with the smoking ordinance and that adults should not smoke in cars with minors present. She also noted concerns about speeding and vehicles going the wrong way on one-way streets. She also wished everyone a happy holiday.

Seeing no other speakers come before the City Council, Ms. Perazzo declared the privilege of the floor closed regarding City Business.

MISCELLANEOUS BUSINESS OF THE COUNCIL

Mr. Riggi – Noted the last Committee meeting did not have audio when he observed a re-play on OSM. He questioned if someone was monitoring the broadcast and noted the Council should discuss concerns with OSM and ask for another tape. He then noted the passing of Marv Cermak, adding that he was one of a kind and held a great deal of institutional knowledge about Schenectady. He noted he will be missed and that his passing is a loss to the city. He closed by wishing everyone a Merry Christmas and happy holidays.

Ms. Zalewski-Wildzunas - Commended City staff on their efforts related to the City Holiday celebration at City Hall over the weekend. She noted everyone did an amazing job.

Ms. Porterfield - Extended her condolences to the family of Dean Plakas, owner of Peter Pause. She added that Dean was a great friend and was also affiliated with Newest Lunch. She noted a recent event hosted in relation to the Breathing Lights program, which wrapped up recently, was well attended. She added the event included information on home buying and noted there will be another event in January with more details to come. She noted there is a lot of support for the effort underway to rename a portion of Albany Street to Rev. Martin Luther King Jr. Way. She added the process is underway collecting the signatures in time for the 30th anniversary of the Schenectady County Human Right's Martin Luther King Coalition. Regarding the ordinance related to ceremonial street renaming she noted the Council hosted a public hearing, there were no speakers and the ordinance passed. She added the process is in place and this is why it's important for community input on the front end. She noted she had suggested renaming another section of Albany Street which is a longer span but she noted the Council is respecting what the Commission has requested. She noted she would be helping with collecting petition signatures. She closed by wishing everyone a Merry Christmas and happy holidays.

Mr. Mootoveren - Noted he echoes the sentiments of the prior speaker and added resident feedback in relation to the public hearing hosted on the ceremonial street naming process is important. He added that he fully supports the effort to rename a portion of Albany Street to Rev. Martin Luther King Jr. Way. He closed by wishing everyone a happy holiday season.

Mr. Kosiur - Noted the ordinance related to banning smoking in vehicles with minors is similar to the legislation passed by Schenectady County in 2006 regarding no texting while driving. He added the ban should stretch beyond Schenectady and that our community is leading the way again. He noted that his wife is a school nurse and she sees a lot of youth with asthma. Then he noted he witnessed a vehicle recently with children on board and a big cloud of smoke coming out the windows. He added the smoke was from an electric cigarette and this ordinance also addresses those devices as well. He then highlighted the recent Christmas party with Santa which hosted 170 youth at the Hibernian Hall in Schenectady on December 10th. He added that breakfast was served and toys were handed out courtesy of Toys for Tots with items collected by the Schenectady Fire Department. He closed by wishing everyone happy holidays and encouraged residents to be safe during the holiday season and not to drink and drive.

Mr. Polimeni - Noted the Downtown Schenectady Improvement Corporation (DSIC) 2017 budget was passed by Council tonight and added the organization does a great job. He noted the DSIC hosted their annual City Holiday event at City Hall on December 10th which was attended by a lot of area children. He added the DSIC also hosted the Chili Chowdown in downtown. He

echoed earlier remarks of appreciation expressed toward city staff who did a great job and helped clean up after the event. He then thanked colleagues for their support related to the ordinance banning smoking in vehicles with minors in the car. He added the ordinance highlights Schenectady's leadership and he hopes to see the effort expand to other areas. He closed by wishing everyone a Merry Christmas.

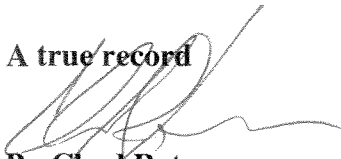
Mayor McCarthy - Extended his condolences to the families of Dean Plakas and Marv Cermak who passed away recently. He then wished everyone happy holidays encouraging everyone to shop downtown, Upper Union Street and in other neighborhoods in the city.

Ms. Perazzo – Noted efforts are underway to work out the bugs in the new video equipment being used to broadcast the City Council and Committee meetings and asked for patience. She added that ongoing feedback is good and reminded residents that the next City Council meeting will be on Tuesday, December 27 due to City Hall being closed on Monday, December 26th. She then extended her condolences to the families mentioned and to others who have lost a family member recently, adding it's difficult to experience a loss during the holidays. She closed by wishing everyone happy holidays.

Adjourned:

Seeing further business to come before the City Council, Ms. Perazzo asked for a motion to recess the meeting. The motion was moved by Mr. Polimeni and seconded by Mr. Mootoveren. The meeting was adjourned at 8:02 p.m.

A true record



By Chad Putman

Schenectady Deputy City Clerk