

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

February 24, 2014

The City Council Meeting was called to order by the City Council President Margaret King at 7:07 p.m. in Room 209, City Council Chambers at City Hall.

Ms. King called on Rev. Dave Chetram from Shree Ganesh Mandir of Schenectady who then provided the invocation.

Ms. King called on Chuck Thorne 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, John Mootoveren, Leesa Perazzo, Marion Porterfield, and Vincent Riggi

Also Present – Deputy City Clerk Chad Putman, Asst. Corporation Counsel Carl Falotico and Chief of Operations Bill Winkler.

At this time Ms. King introduced Paul Milton, Executive Vice President & Chief Operations Officer for Ellis Medicine who then provided a presentation related to Ellis Medicine as one of Schenectady's Economic Strengths.

At this point, Ms. King asked if there were no objections, she would like to take agenda item number 17, 18 & 19 out of order. There were no objections.

Resolution No. 2014 – 36 – A Resolution Recognizing Pi Beta Phi. Representatives from Pi Beta Phi extended their gratitude to the Mayor and City Council for the recognition. Mr. Kosiur with the Schenectady County Youth Bureau extended his appreciation to the group for their ongoing commitment and service to the community. He noted the donated books benefit hundreds of youth every year involved in the Page by Page program.

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

Resolution No. 2014 – 37 – A Resolution Recognizing February as Black History Month. Representatives from the African-American community in Schenectady extended their gratitude to the Mayor and City Council for the resolution. Marsha Mortimore noted the City has been assisting with an effort to name a portion of a City street "Harriet Tubman Way". Ms. Mortimore and others noted the City has a rich African-American history. Facts sheets with some of the local historical information are available for review, she added.

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

Resolution No. 2014 – 38 – A Resolution Honoring February as American Heart Health Month. Paul Milton representing Ellis Medicine extended his appreciation to the Mayor and City Council for the resolution. He also expressed his gratitude to the Golub Family for their ongoing philanthropy related to local investment in healthcare in part targeting heart disease which is the number one killer of women.

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

PUBLIC HEARINGS:

1. Regarding Proposed Legislation Deleting Obsolete Boards and Commissions from the Schenectady City Code.

Chuck Thorne – Schenectady - Recently the City Code was made available through a product called eCode. One of the features of eCode is its sophisticated search engine. In the coming months we will systematically be examining the Code, using eCode, to identify date or obsolete sections of the City Code and either eliminate or update them. The ordinance we are proposing tonight deletes several boards or commissions that have either been replaced or no longer have a function. They are: DARE Advisory Committee; Environmental Conservation Commission; Police Review Committee (replaced by the CPRB); Tuesday in the Park & Colonial Festival Advisory Committee; Central Park Stage Committee.

Jason Planck – Schenectady – Spoke on the Economic Development Zoning Administration (EDZ) Board. Added he completed a FOIL request in 2007. The board is slated to meet monthly and acts as a check & balance within the system. He noted Jobs Etc. and others offer employment programs. Regarding PILOT programs he noted a 15 to 1 cost benefit analysis. He added existing jobs are not new jobs and should not be counted when evaluating outcomes. He wants to see the EDZ Board remain.

Vickie Hurewitz – Read over the Economic Development Zoning Administration (EDZ) Board mission and purpose. Spoke to the benefits of the tax credits. Noted the benefits are different from Metroplex programs. She added the Empire Zone Program benefits low income, persons on public assistance and veterans. She noted the Empire Zone has sunset but the requirements remain. Spoke to the benefits of an annual evaluation.

Seeing no further speakers signed up to speak on the above noted public hearing, Ms. King declared the public hearing closed.

APPROVAL OF MINUTES:

Ms. King asked for a motion to approve the minutes from the February 10, 2014 meeting as submitted by the City Clerk; Ms. Perazzo made a motion to approve the minutes, Mr. Mootooveren seconded the motion.

COMMUNICATIONS:

Communications Presented to the City Council for Monday, February 24, 2014

Official:

From the Mayor a list of appointments dated February 24, 2014.

General:

Received letter from the President of American Gold Star Mothers extending their gratitude for the recent donation from the City.

Petitions:

None

COMMITTEE REPORTS:

Mr. Riggi – Claims – Referenced agenda item #16 related to supporting a proposed NYS bill to amend the NYS Education Law. He noted the law would allow school districts to issue community service requirements in place of suspension for behavioral issues. He noted the resolution passed tonight extends the support of the City Council in favor of the proposed NYS bill.

PRIVILEGE OF THE FLOOR (LEGISLATIVE ITEMS)

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

Harry Brand, Schenectady – Spoke on the appointment of Mr. Kosiur to the vacant City Council seat. Added he has nothing against Mr. Kosiur however people ran for the seat on City Council in November and none of them were considered. He noted the Council needs young people with new ideas. He added sometimes you need to be independent and it's a shame when Council members are swayed by others. He hopes no one wants to be Mayor. He added there has been no progress and our neighborhoods which he believes are deteriorating. He wants to see more retail downtown and more Council initiatives. He closed by noting his impression that it's just more of the same old, same old.

Jason Planck, Schenectady – Item #7, Erie Blvd supplemental agreement. He noted the City Council tonight approves the project, authorizes payment and receipt of federal funds. He noted 80 percent of Federal funding went into this project and requirements related to Affirmative Action were not achieved. He asked, how can you approve the resolution without meeting the standards? He added this is lying to the Federal Government. He noted another issue is the tax certiorari's the Council continues to approve. Regarding 255 State Street, he noted the property assessment is being approved for a 70 percent reduction. He asked if the tax assessment is off that much the city needs to do a whole city re-assessment. He closed by noting these settlements are done in executive session and the Council is not letting the people know what they are doing.

Joe Kelleher, Schenectady – Noted Mr. Kosiur is an asset in Woodlawn but believes there is a conflict of interest to have a County employee on the City Council. He added Mr. Kosiur receives a healthy salary as a County employee and now will receive the part-time Council salary as well. He noted Republicans were not considered for the open seat and he feels this is political discrimination. He added the Council has cultural diversity, but lacks in political diversity.

Mary McClaine, Schenectady – Item #5, #3 & #8. "Mr. Kosiur should not be appointed to the vacant seat. If he wanted a Council seat, he should have run for the office, spent the money on a campaign and worked to earn it, like I did. A Council election was recently held in the City. Why wasn't he a candidate? Appoint someone who showed an interest in the office last year. Item #3 regarding golf course fees. There should be one discount fee for all veterans. According to this proposal, a veteran who lives outside the City will pay more to play golf in Schenectady than the veteran who lives here. Even though the City is offering discounts to all veterans. My husband is a veteran. Lowes gives discounts to all veterans and the discount is the same for all veterans. Boscov's also gives discounts to veterans. The discount is the same for all of them. The City should do the same. Let veterans play golf for one discount fee for all. When soldiers wear their military uniforms the purpose is to serve America not just their hometowns. Item #8 applies to towing fees. According to the proposal, the City will receive a \$35 kick back if a City policeman

makes the phone call to the towing company to remove a car from an accident scene in Schenectady. Forget that the policeman is already on duty. Forget the taxpayers pay them a good union wage. Tonight Council wants to vote to receive \$35.00 for his services if a policeman makes a phone call to a towing company to tow a car away from an accident scene. Voters please understand what the Democrats are going to do to you tonight and ask yourselves if kick-backs are positive for you. I wouldn't vote for such a proposal."

Mohamed Hafez, Schenectady – "I have here an opinion of the NYS Department of Taxation and Finance that relies on a 1977 New York Court of Appeals decision, which is based on two principles: (1) A town officer may be considered a county officer for the purpose of Article 18, which is the Conflict of Interest Law Article, based on the overlap or identity of interest of the county and the city in the tax collection and enforcement processes. (2) A City Councilman will have a considerable role in the preparation of the City budget, property assessment increases, tax collection issues, the sale of foreclosed properties, negotiation of the city-county contracts and negotiating the City's share of the sales tax. Here, Mr. Kosiur will have Divided Loyalties in determining, among other things, the County's share of the property taxes and the City's share of the collected taxes, and that will consequently affect the county's overall budget, and it may affect the continuation of his employment with the County. Mr. Kosiur has already declared that he will resign his position as a member of the Schenectady School Board. As it turned out, the New York Education Law Section 2502(7), forbids Mr. Kosiur from holding a position at the Schenectady City School Board and become a City Councilman. For the foregoing reasons, I ask Mr. Polster, the Corporation Counsel, to determine whether Mr. Kosiur's position at the County and his position as a City Councilmember are incompatible. If the Corporation Council determines that the two positions are incompatible, Mr. Kosiur will have to resign his County job before he becomes a City Councilman. Thank you."

Seeing no further 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:

Ms. Perazzo made a motion that Council approves the Consent Agenda and the motion was seconded by Mr. Riggi.

Consent Agenda –

- Ordinance No. 2014 – 07Adopted Unanimously
- Resolution No. 2014 – 39Adopted Unanimously
- Resolution No. 2014 – 40Adopted Unanimously
- Resolution No. 2014 – 41Adopted Unanimously
- Resolution No. 2014 – 42Adopted Unanimously
- Resolution No. 2014 – 43Adopted Unanimously
- Resolution No. 2014 – 44Adopted Unanimously
- Resolution No. 2014 – 45Adopted Unanimously
- Resolution No. 2014 – 46Adopted Unanimously
- Resolution No. 2014 – 47Adopted Unanimously
- Resolution No. 2014 – 48Adopted Unanimously

Resolution No. 2014 – 49Adopted Unanimously
Resolution No. 2014 – 50Adopted Unanimously
Resolution No. 2014 – 51Adopted Unanimously
Resolution No. 2014 – 52Adopted Unanimously
Resolution No. 2014 – 53Adopted Unanimously

Resolution No. 2014 - 54 – A Resolution Appointing Edward J. Kosiur to fill a Vacant Seat within the City Council.

The motion was moved by Ms. Perazzo and seconded by Mr. Mootoveren.
4:1:1

Voting AYE: King, Mootoveren Perazzo and Porterfield
Voting NAY: Riggi
Absent: Erikson

Mr. Perazzo – Noted she is a proud Democrat. She added Mr. Kosiur was the candidate who received the majority of support from the Democratic Party. She noted Mr. Kosiur invest countless volunteer hours to projects and groups benefiting the City. She added he is a proven leader with significant institutional knowledge having served on the Council and County Legislature in the past. With regards to new Council members she noted there are currently four new members on the Council and someone with experience is needed.

Mr. Riggi – Noted previously the argument for filling a vacant Council seat was to select the candidate with the next high votes from the prior election. Which at that time was Mr. Mootoveren and now that the roles are reversed and the next highest vote getter is a Republican the same philosophy does not apply. With regards to the vacant seat and the language in the Charter, “shall appoint”, there is no specific timeframe noted. He added the Council could discuss the vacant seat for months. However, democracy is taking a back seat to politics. He noted this causes apathy in the community. He closed by noting the importance of letting the people decide in November.

Resolution No. 2014 - 55 – A Resolution Authorizing the Sale of 744 Hamilton Street.

The motion was moved by Ms. Perazzo and seconded by Mr. Mootoveren.
4:1:1

Voting AYE: King, Mootoveren Perazzo and Porterfield
Voting NAY: Riggi
Absent: Erikson

Mr. Riggi – Noted the process is not being followed and he feels like the cart is being put in front of the horse. He added he is being asked to vote on something that is currently being worked on. He is not sure which department head to take to task on this but he is committed to fulfilling his due diligence.

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 his gratitude to the City Street Department for their efforts removing snow through the two winter storms. He added the crew did an outstanding job around the City. With regards to Moyston Street he noted the street is in significant disrepair. He added since the major fire on that street the condition of the street has further deteriorated. He asked the City to find \$5,000 in the budget to resurface the street. He noted other streets in the City have been resurfaced and Moyston Street has been left behind.

Harry Brand, Schenectady – Referenced the \$500,000 the Galesi Group has received related to the Nott Street property. How can there not be any paperwork on the transaction, he asked? The same group has construction projects going on at lower Broadway and they don't have a flagman on the street. Who would be liable if someone was hit by a car, he asked? At the same construction site there are cars parked on the road and it is forcing drivers to break the law to avoid hitting them. He asked, what's going on? With regards to homes in the City he asked, why don't banks take them if the homeowner is not keeping up on their mortgage? He added if the Mayor has the authority to give \$20,000 raises he can do something about this. He closed by stating, "stop the nonsense".

Jason Planck, Schenectady – Noted Friday will be the last day for residents to file tax exemption for the Enhanced Star program. He noted in May residents can grieve property assessments. He noted on February 22, Albany Law School hosted a Special Needs Planning Law Day which he attended. He hopes the school will continue this work. He added the trust fund is available to persons with disabilities and manage personal finances. He closed by noting the loss of Alice at age of 110 died in London, who is one of the last remaining holocaust survivors.

Joy Hall, Schenectady – Noted there are lots of potholes everywhere. She added, drivers are trying to beat the lights and are turning when the walk light is on. She noted the City does not need anyone getting hit and she asked for something to be done. She added drivers are talking on their cell phones and are going to cause an accident. The City needs to do something fast, she added.

Joe Kelleher, Schenectady – Noted he is with the American Legion Post 1092 and also a veteran. He would like to call the attention of the City Council to a program the post facilitates related to "Stars for Troops". He would like to secure a location at City Hall where a collection bin can be placed to collect worn and/or battered American flags. He noted the American Legion property on Union Street is the last of its kind in Schenectady County. He added the Legion will be hosting a corn beef dinner on March 16 at the Legion Hall which is open to the public. He closed by noting the post is looking for new membership and is reaching out to military personnel returning from active duty. He noted the group has a new motorcycle club.

Elmer Bertsch, Niskayuna – Requested the Council consider his FOIL request related to his investigation regarding the \$500,000 investment the City made in the Galesi Group project on Nott Street. He is looking for details related to what the City will get in return for the investment. He reports his FOIL request related to the matter was denied based on the lack of information. He added his appeal has not been responded to which he feels is inappropriate. He noted the same developer also owns the rehabilitated building on Broadway that houses the Department of Social Services. Regarding the Nott Street property he would like to know if the apartments will be for low income residents. He closed by noting he has copies of an article related to the property being sold to the County IDA and his appeal letters.

Mary McClaine, Schenectady – "A couple of things tonight. First, the installation of the new Fire Chief and others; I don't think there is any citizen who has received more courtesy and

services from the City Firemen than have been shown to me. They have come to my home several times and I have been to the fire station on many occasions. All of them showed concern for my welfares and I always express my appreciation to them. During his time as Fire Chief, I have sent thank you notes to Mr. Della Rocco. I attended the viewing for the fireman who was killed in the snowmobile accident and sent a sympathy card to the department. During the installation, I too, looked at all the uniformed men and women and said to myself "how wonderful". Folks, if you ever need the City Fireman, they will give you their best. On another note, I spend a lot of time attending by – monthly committee meetings. I have been going to the meetings for the last six years and learned early on that when certain people show up to make proposals, the rest of us are in trouble. So I found it humorous when a Councilmember stood in this chamber and said, "We listen to the department heads, discuss the issue, then act on it". That is not what I would do if I was a member of City Council. I would do my own homework, sort the facts and follow through on the proposals. That's what I do now and I'm not a Councilmember. For instance, if land is for sale, I go to look at the property. If re-zoning is required, I find out what people want. On the night that Council discussed Jack's Place for the house located in the GE Plot a Councilmember said, "we cannot have people carving out rooms in historic areas." If Council had done it's homework they would have known that a department head carved out an apartment for a relative in his home in the GE Plot. Folks do your homework before you vote. I would if I had one of your seats."

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. Perazzo – Extended her congratulations to the land bank on their first recent sale. She noted the land bank is a wonderful tool. She added the City land bank is one of a few in the state and she would like to do more to educate the general public about the land bank benefits. She then noted there is a new website parkschenectady.com which is a simple way to find the best place to park when coming to downtown Schenectady. She added the site offers maps and suggestions related to parking for special events. She noted a new small business focused on autism awareness is coming to downtown Schenectady. She added, Puzzles Café will be opening up at 515 State Street in the spring and will employ persons with disabilities. She went on to highlight the sale of property on State Street which will include new retail space and a literacy program offered by the County Library program. Regarding the graffiti program she is looking for groups and volunteers to adopt a program week to address graffiti in their neighborhood. If someone is interested in hosting the program to brush out graffiti she asks that they contact her by email.

Ms. Porterfield – Noted the deleting of certain obsolete boards does not include the Affirmative Action board. She noted the Affirmative Action board will be reactivated after a review of structure and criteria for board participation. She added the effort will include a search for new board members whom will represent the diverse community including representation from women, Hispanic, minority, disability and veteran's interests along with other segments of the community. If interested she asked residents to submit their resume to her by email.

Mr. Riggi – Noted this is the season for potholes. He added the city is exploring the purchase of a new machine that would create a more permanent fix for pot holes rather than the cold-patch which is a temporary fix. He noted the City SNAP crew has cleared over 400 properties following the recent snow storms and he thanked them for their work. He reminded residents the deadline for the Enhanced Star program is the end of March. With regards to the property

assessment values in the City he noted the Council is aware of the issue and he expects further discussion related to a future reassessment. He added property owners who have not carried through on a property assessment grievance are carrying the brunt of the tax burden. He noted property assessments are not inflated 70 percent but the figures don't lie and we need to grant relief when due. He closed by clarifying the tax certiorari's the Council has been resolving date back to 2008.

Ms. King – Extended her gratitude to Commissioner Olsen and City staff for their ongoing diligent work removing snow following winter storms and repairing potholes around the city. She added, Mr. Kosiur will officially join the Council on Monday, March 3 for the Committee meeting and next legislative cycle.

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. Riggi and seconded by Mr. Mootoveren and the meeting recessed at 8:48 p.m.

A true record



By Chad Putman
Schenectady Deputy City Clerk