

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

June 8, 2020

The City Council Meeting was called to order by the City Council President John Mootoveren at 5:31 p.m. by Webex Teleconference.

Mr. Mootoveren asked Council Member John Polimeni to offer the invocation.

Mr. Mootoveren then called on Council Member Carmel Patrick 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: Edward Kosiur, Carmel Patrick, John Polimeni, Marion Porterfield, Karen Zalewski-Wildzunas, and John Mootoveren.

Also Present – City Clerk Samanta R. Mykoo, Corporation Counsel Andrew Koldin, and Mayor Gary R. McCarthy.

Absent – Leesa Perazzo.

PUBLIC HEARING:

1. Regarding Creating a Special Assessment

Kenneth Thurman – See attachment.

David Tobey – See attachment.

Ian Spencer and Laura MacManus-Spencer – See attachment.

Susan Leclair – See attachment.

APPROVAL OF MINUTES:

Mr. Mootoveren asked for a motion to approve the minutes from the May 27, 2020 Council meeting as submitted by the City Clerk. Ms. Zalewski-Wildzunas made a motion to approve the minutes and Ms. Perazzo seconded the motion.

COMMUNICATIONS PRESENTED TO THE CITY COUNCIL

Official:

None.

General:

An email dated June 4, 2020 from Kenneth Thurman regarding the poor conditions of the sidewalks on Central Parkway.

An email dated June 5, 2020 from David Tobey asking the City Council to follow through on the lowered costs for the sidewalks on DeCamp Avenue as indicated in the letters that were handed out to the residents and an article in the newspaper.

A letter from Ian Spencer and Laura MacManus-Spencer explaining their frustration with transparency and communication for the DeCamp Avenue Sidewalk Program.

An email from Susan Leclair requesting her sidewalk on DeCamp Avenue not be replaced.

An email from David Giacalone regarding the North Ferry Street Pump Station briefing held on June 1, 2020.

Petitions:

None.

COMMITTEE REPORTS

None.

PRIVILEGE OF THE FLOOR (LEGISLATIVE ITEMS):

Mr. Mootooveren directed all who wished to discuss any items on the Legislative Agenda to submit their comments to the City Clerk.

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

Mr. Polimeni made a motion that Council approves the Consent Agenda and the motion was moved by Ms. Zalewski-Wildzunas and seconded by Mr. Kosiur.

Consent Agenda

Resolution No. 2020-085.....Adopted Unanimously
Resolution No. 2020-086.....Adopted Unanimously
Resolution No. 2020-CS-04.....Adopted Unanimously

PRIVILEGE OF THE FLOOR:

Mr. Mootooveren directed all who wished to discuss any items for City Business to submit their comments to the City Clerk.

MISCELLANEOUS BUSINESS OF THE COUNCIL:

Ms. Patrick – Spoke about the Black Lives Matter protest she attended this past week with Councilwoman Marion Porterfield. We are all equal and have a right to equal justice and intend

to learn about what we can do to guarantee that right for every resident of Schenectady. She praised the organizers and participants of the protest for their peaceful, yet forceful protest; she thanked Chief Eric Clifford for speaking honestly and openly to the participants but also joining the march. She then gave her contact information which can be found on the City's website www.CityofSchenectady.com or at 518-281-9946 and invited anyone who is interested in discussing or contributing ways to bring about equal treatment for all.

Ms. Porterfield – Acknowledged the death of George Floyd and the effect to his family. She thanked the organizers of the rally and their ability to maintain the peace and recognized the message of “change needs to happen”. She thanked Chief Clifford for listening with an open heart and all the officers who do a good job on a daily basis and participated also. She also thanked the pastors that have been praying for weeks on end.

Ms. Zalewski-Wildzunas – Thanked everyone who participated in a peaceful rally over the Memorial Day weekend and thanked Chief Clifford for doing a fantastic job on maintaining order. Also invited anyone who would like to have a continued conversation to contact her 518-858-4719. She then reminded everyone to have their census done.

Ms. Perazzo – Echoed the words of the colleagues regarding the peaceful protest. She then recognized Betsy Sandberg for being able to take the kids Art Festival virtual this year hosted inside of Proctors Theatre. She then stated that this week is Art Week with Downtown Schenectady Improvement Corporation and encouraged everyone to visit their website. She then exclaimed that she is pleased that the restaurants and small businesses are starting to operate.

Mr. Polimeni – Announced that this is Pride Month and looks forward to the various celebrations and looks forward to them being well attended. He then spoke about the murder of George Floyd and the harassment and threats that many African American have received in this country. This is not the meaning of America; the rule of law is dependent on fairness and equality. Ensuring justice for all is everyone's responsibility. He also invited anyone wanting to discuss it further to contact him 518-986-3744. He then stated that he is happy that the small businesses are partially re-opening and looks forward to when they are able to completely re-open. He then acknowledged the hardship the small businesses faced during this pandemic and asked to be contacted if there is anything that they can do as a Council to help them.

Mayor McCarthy – Noted that the protesters here in Schenectady did raise some important issues and showed unity but there were some people in the crowd who had motives that were less than desirable. Schenectady residents rose-up and brought stability to the protest and conducted the protest in a manner that reflected well on the community. The police department and Chief Clifford's leadership also provided stability. There are imperfections in the system and we look forward to making Schenectady a brighter and stronger community.

Mr. Mootoveren – Stated that it is very important to get out and vote at the school board elections. He then thanked the first responders for the work they are doing during COVID-19 and encouraged the public to wear their masks when out. Then he spoke about the unfortunate death of George Floyd and recognized that it is bringing the community together to call for justice. He thanked the Schenectady organizers for leading a peaceful protest that set an example throughout the country and also Chief Clifford and the Police Department for conducting themselves in a professional manner.

Adjourned:

Seeing no further business to come before the City Council, Mr. Mootoveren asked for a motion to adjourn the meeting. The motion was moved by Ms. Patrick and seconded by Ms. Perazzo. The meeting was adjourned at 5:59 p.m.

A true record

A handwritten signature in black ink, appearing to read "Samanta R. Mykoo". The signature is stylized with large, overlapping loops and a long, sweeping tail.

**By Samanta R. Mykoo
Schenectady City Clerk**

Samanta R. Mykoo

From: Kenneth Thurman <[REDACTED]>
Sent: Thursday, June 04, 2020 5:49 PM
To: Samanta R. Mykoo
Subject: Urgent Sidewalks
Attachments: 20180830_171921.jpg

Dear Mayor McCarthy

I was shocked and appalled to learn yesterday that new sidewalks are being installed on DeCamp Avenue while those just one block over on Central Parkway continue to be neglected. I have complained year after year about the absolutely horrible condition of the sidewalks on the street near the intersection with Eastern Ave, only to be told by the engineering department that sidewalk repairs are the responsibility of the homeowners. But I have since learned that the DeCamp street paving project and others on Wright street have been paid for with city taxpayer budget funding

The sidewalks also pose a liability and safety issue because pedestrians with baby carriages and young children are forced to walk in the street rather than use the sidewalks. My 90 year old neighbor has also fallen on the worst areas. I beg you to at least take a look.

KenTHurman [REDACTED]



Samanta R. Mykoo

From: David Tobey [REDACTED]
Sent: Friday, June 05, 2020 5:09 PM
To: Samanta R. Mykoo
Subject: Sidewalk Program Costs for DeCamp Ave.

City Clerk,

Could you please pass along the following message to the city council in advance of the public hearing scheduled for this coming Monday, June 8.

Thank you.

City Council Members,

Regarding the sidewalk program, I'm writing to encourage you to please follow through and lower the costs for DeCamp Ave. residents as you indicated you would do in the letter you handed out to us, and also in the recent newspaper article. We did not imagine when signing the petition nearly two years ago that the ultimate costs would be as high as they are. Lowering them to closer to what the expectations were is the right thing to do.

Sincerely,
David Tobey

Ian Spencer & Laura MacManus-Spencer

DeCamp Ave.
Schenectady, NY 12309

June 6, 2020

Schenectady City Council
105 Jay Street
Schenectady, NY 12305

Schenectady City Council Members:

We are infuriated and disappointed about the lack of official communication between the City Council and the DeCamp Ave. residents regarding the DeCamp Ave. sidewalk and paving project. This project began with a petition that was signed by residents in the fall of 2018, which contained only a rough estimate of the cost to residents and which came with the understanding that we would be contacted again about the project once costs and other details were finalized. It was our understanding that, in signing the petition (*not a contract*), we indicated *interest* in the project. We never interpreted this initial petition as an approval of the project. It then took the City Council until September of 2019 to address the petition. In the fall of 2019, the City completed the Ardsley Road project, which had major issues due to cost overruns, yet at some point the City decided to proceed with this pilot project on DeCamp Ave. At no point during this time did the City reach out to the residents of DeCamp Ave. to confirm interest in the project or to give an honest account of what happened on Ardsley. It is also important to note that by this time, several houses on DeCamp Ave. had changed owners since the initial petition.

Throughout this timeframe, any *limited* information about the DeCamp Ave. project that has leaked to residents has been through the street's Facebook group, of which not all residents of the street are members. In April 2020, we received word through the Facebook group *and not the City* that our street was on the list to be paved, and the company that won the bid for the sidewalks wanted more money. That information was gleaned from an email from Ed Kosiur in response to a resident's plea to all City Council members for information about the project. On May 15, 2020, a resident posted to the Facebook group information from John Mootooveren about City Council recommendations for DeCamp Ave. At that time, the City had still not provided residents with *any* official information about the project, including costs, payment plans, and dates. Mr. Mootooveren's email to a resident referred to a letter containing a quote for the original cost from 2018 that would be hand-

delivered to residents by May 22, 2020. It also stated that the City Council recently became aware that City records were never updated with some of the residents' addresses. On May 18, 2020, the City Council held a WebEx meeting to discuss the project. This meeting was only advertised to residents through the Facebook group; residents were not given any formal information or advanced notice from City Council about this meeting. During this meeting it was stated *again* that letters would be delivered to residents by May 22, 2020, with the original quoted price from 2018. **The DeCamp Ave. residents did not receive the letter by May 22, 2020.**

As DeCamp Ave. residents, we assumed we would receive official information about this project in a timely manner, and that a public hearing would take place after letters were delivered, offering residents a time and place to express their opinions and have questions answered before the project moved forward. **However, on May 26, 2020, Luizzi Brothers appeared on the street and began work on the sidewalks.** This included cutting residents' driveways and digging up the sidewalk. At this time, **residents were given no notice that work was going to begin**, and the City Council had not approved moving money to pay for the extra cost of the sidewalks. This project began without *any* information disseminated to residents about the cost of the project in a time when unemployment due to the COVID-19 pandemic is at a historical high. It seems that the fact that several DeCamp Ave. residents may not currently have the disposable income to absorb the cost was never considered.

Again, a resident's email to a City Council member – this time John Polimeni – was required to obtain information about the cost of the project. Polimeni stated that the Council was working through a spreadsheet regarding the cost, finding correct numbers and household information, and that measurements for the street weren't correct. **We are simply shocked that the City would start a project in which they expect residents to share the cost without an accurate cost, measurements or information about the residents who live on the street.** Polimeni's email also suggested that letters would be delivered to residents with information on costs with the new figures by City Council. At that time (May 26, 2020), work had already started on the street.

Finally, late in the day on May 27, 2020, Karen Zalewski-Wildzunas and John Polimeni delivered the letters to the residents' mailboxes. There did not seem to be any attempt to speak to residents about the project while "hand-delivering" the letters. As we happened to be home at the time, we received our letter in person; we were handed a letter without any introduction (i.e., their names or the fact that they were City Council members). They attempted to leave without asking if we had any questions, but when we said that residents should not have to deliver the letters, we were informed that they were from the Council (but still did not give their names). We began asking questions about the lack of communication and the fact that the Council never thought to check with residents since it had been almost two years since we signed the petition. We were then told by Ms. Zalewski-Wildzunas (we later determined the identities of the letter deliverers after describing them to a neighbor) that it wasn't two years, at which point Mr. Polimeni

corrected her and admitted that it had been almost two years since the petition. We also asked why communication had been so poor, letters had been delivered *after* the work had begun, and we had no advance warning the project was starting. When we mentioned that many DeCamp Ave. residents were not happy about the lack of communication from the City, Ms. Zalewski-Wildzunas had the audacity to say, “well they will be happy when the street is done.” We are extremely upset by this response – that we should be grateful and happy we are getting a new street and sidewalks and not upset about the *total* lack of communication from the City.

Upon review of the letter, we found that it gave the cost of the project at the old (2018) estimate even though the City Council has still not approved an ordinance to lower the cost (as of today, June 6, 2020). The letter stated that there would be a public hearing for residents to give feedback about the project – in fact, this was encouraged – but no date was given for such a forum. The letter also stated that if we paid back the cost over ten years there would be interest charged, *but no interest rate was stipulated*. Several residents have made inquiries about the interest rate and have been told by Mr. Polimeni that by City code the interest rate is 4%. Residents have asked for verification of this specific City code, but we have not received this to date.

On June 5, 2020, a DeCamp Ave. resident emailed John Polimeni about the supposed public hearing, including the date, only to find out that it would be held on Monday, June 8, 2020. When asked how residents could participate, the resident was told we could email comments in advance. As of today (June 6), this information has not been broadcast to the DeCamp Ave. residents. **It thus appears that the City Council is attempting to have a public hearing without input from the residents of the street who are affected by their decisions.** To date, we have not received a letter giving us a timeline for the project, nor clarification about payment terms.

The City of Schenectady, including the City Council, should be ashamed of the lack of transparency and poor communication with residents surrounding this project.

Sincerely,



DeCamp Ave. residents since 2008

Samanta R. Mykoo

From: Susan Leclair [REDACTED] >
Sent: Monday, June 08, 2020 4:49 PM
To: Samanta R. Mykoo
Subject: Curb/sidewalk replacement on DeCamp Ave. for house located at 1787 Central Parkway

Dear Ms. Mykoo and Members of the City Council,

I am writing to request that the curb and sidewalk bordering my property on DeCamp Avenue, not be replaced. I live at [REDACTED] Central Parkway, on the corner of DeCamp Ave. The 106' of sidewalk that borders my house on DeCamp Ave., is in very good shape and is very safe. Having spoken with Chief Engineer James Hart, I understand that the City wants to replace the sidewalk because it intends to put in granite curbing. I currently have concrete curbing and it is in very good condition, as is my sidewalk. Both my sidewalk and the adjacent curb, are smooth, safe, and cosmetically appealing. Under these circumstances, I would ask that the City not replace my curbing and sidewalk in the DeCamp Avenue project. I assure you that not replacing my sidewalk and curb will in no way affect the beauty and safety of the rest of the DeCamp Avenue project. Believe me, I am proud of my neighborhood and my home. I constantly do everything in my power to ensure that everything around my house, including the sidewalks, are safe and look lovely. I strongly believe that making me pay the cost of a new sidewalk and curb, just to have granite curbing like the rest of the street, is inherently unfair under these circumstances and would also impose an unnecessary financial hardship.

I would also like you to know that I would have voiced my concern earlier, but I did not learn of the City's intent until this weekend. The letter about the project was sent to my brother, Eric Tepper, in Saratoga Springs, not to me at my Central Parkway address. I am the taxpayer and the person who lives here and maintains the property. Because of this communication snafu, I just learned about everything when my brother texted me the letter this weekend. I was out of town, and came back yesterday. I immediately set about trying to find out everything I could about the project and the imminent timeline, beginning this morning.

Thank you very much for your kind attention and professionalism in this matter. I sincerely hope that the City Council will address my concerns and not replace the sidewalk and curb bordering my property.

Best Regards,
Susan Tepper LeClair
[REDACTED] Central Parkway
Schenectady, NY 12309
[REDACTED]

Samanta R. Mykoo

From: davidgiacalone [REDACTED]
Sent: Monday, June 08, 2020 4:55 PM
To: Samanta R. Mykoo
Subject: Pump Station Briefing Left Many Unanswered Questions

Dear Ms. Mykoo and Council Members,

Please consider my message below concerning the Pump Station briefing at the Council Committees Meeting of June 1, 2020.

thank you,
David Giacalone

[REDACTED]
Schenectady, NY 12305

Dear Council President and Council Members,

Thank you Council President Mootoveren and Council Member Marion Porterfield for arranging the North Ferry Street Pump Station briefing at the June 1, 2020 Committees Meeting. Despite your efforts, I am afraid that CHA's project engineer Mike Miller and City Commissioner of Operations Paul Lafond, were far less informative than they could and should have been.

Messrs. Miller and Lafond knew the major concerns of Stockade residents and Riverside Park users. Nonetheless, they:

1] FAILED to EXPLAIN the LACK of NOTICE. Mr. Miller gave no reason for the failure to notify the Council or the Stockade and public. He did suggest that he had indicated at some point to the City that the matter perhaps needed to go back to the Council, but never follow-ed up.

When pressed, Mr. Miller pointed out that never in 25 years of working on municipal projects had he ever gone back to a Council or Board once a project had been initially approved. He made no mention of the important distinction here: The Clarifying Resolution appears to require submission to City Council of any changes encroaching further than 30 feet past the original pump house fence. When Mr. Lafond was directly asked why no notice was given, he left us with a long gap of dead air and never replied to the question.

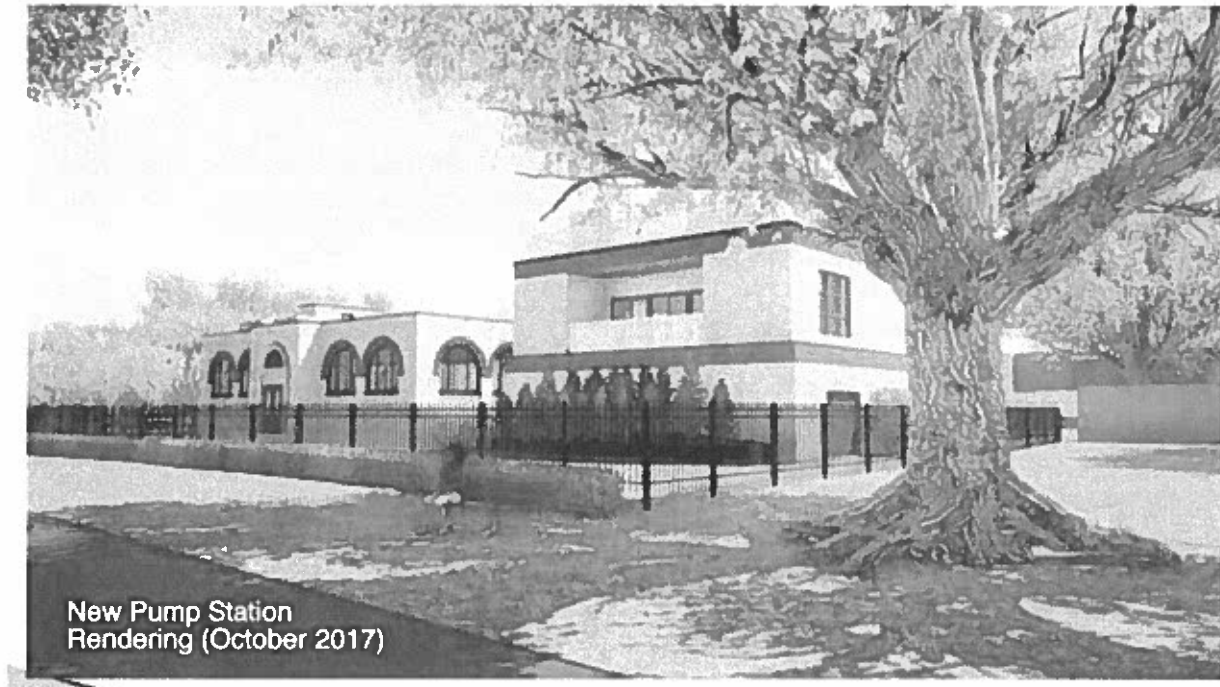
2] FAILED TO ALLOW COUNCIL REVIEW of any Ambiguities. If Miller and Lafond were uncertain whether the May 2019 Plan was consistent with the Clarifying Resolution, they should have given the Council and public the opportunity to review the changes and the Resolution. Mr. Miller told the Stockade Association, incorrectly, in the April 2020 Spy that the standard under your Clarifying Resolution was "the average encroachment into the park be less than 30 feet." He therefore declared that CHA had that met requirement by achieving an average encroachment of under 28 feet." Of course, the Resolution makes it clear:

"any overflow into Riverside Park will be minimized to no wider than 30 feet, including needed landscaping and buffering for a new pump station."

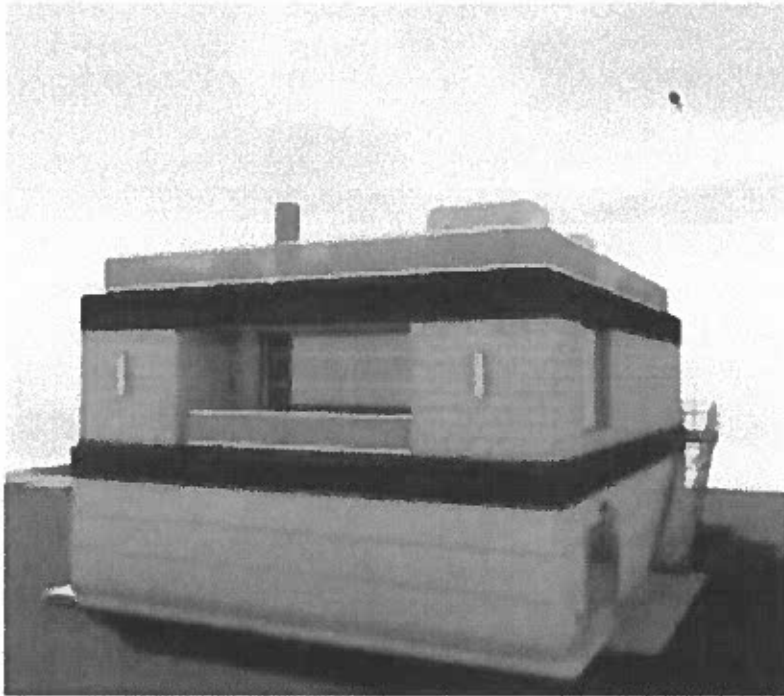
That inconsistency, along with the admitted underground encroachment of 50 feet into the Park, called for review by the Council to ascertain its intention. There is no distinction in the Resolution between above and below ground construction or overflow. It is not adequate to say that the Stockade Association Board concluded the May 2019 plan is consistent with the June 2017 Resolution. See, for example, my May 8, 2020 [email](mailto:davidgiacalone@schneectady.org) to Suzanne Unger disputing the Board's conclusion, at <https://tinyurl.com/PSemailDAG>

3) FAILED TO SUPPLY A RELEVANT RENDERING. Mr Maillet and I both requested a professional rendering, or at the least a representative sketch, showing the changed configuration of the new and old Pump Stations, the fencing for the new station, and impact on nearby sections of the West Lawn. Instead, and although contested by and requested by no one, Mr. Miller provided a new rendering of the latest version of the stand-alone Pump Station, stressing the obvious, that they are almost identical.

We wanted a rendering analogous to this one:



You and we were given this irrelevant rendering:



Under SHPO rules, the view of a valuable historic resource such as the Old Pump House can only be obstructed when there is no alternative. That is surely not the case here. SHPO cleared the October 2017 plan relative to the obstruction of view, but not the May 2019 plan.

You can find relevant documents and images at my posting <https://tinyurl.com/RenderingRuse>

We urge the Council to ask for far more informative, frank, and relevant information from Mr. Miller and Mr. Lafond.

thank you,
David Giacalone