



NANCY E. HARDT
City Clerk

CITY OF RENSSELAER

OFFICE OF
THE CITY CLERK

CITY HALL
62 WASHINGTON STREET
RENSSELAER, NEW YORK 12144

(518) 462-4266
Fax: (518) 462-0890

AGENDA
COMMON COUNCIL MEETING
MAY 5, 2021

1. A RESOLUTION TO APPROVE A CURB CUT 1364 BROADWAY
2. A RESOLUTION TO APPROVE LOCAL LAW #5 OF 2021 AS TO FORM AND SCHEDULE A PUBLIC HEARING THEREON
3. A RESOLUTION AUTHORIZING THE USE AND CONTROL OF A DESIGNATED PORTION OF RIVERFRONT PARK BY THE "STREET SOLDIERS" FOR A CHARITABLE FOOD DRIVE EVENT ON THE THIRD SATURDAY OF EACH MONTH FROM 9:00 AM TO 10:30 AM AS SPACE IS AVAILABLE
4. A RESOLUTION PROHIBITING PARKING AND STREET CLOSURES FOR MEMORIAL DAY PARADE

#1

By Alderperson : DAVID GARDNER

Seconded by Alderperson : _____

RESOLUTION APPROVING CURB CUT FOR 1364 BROADWAY – BUILDING DEPARTMENT

WHEREAS, pursuant to an Application for Building Permit filed by Kris Remington for 1364 Broadway located in the City and County of Rensselaer, a curb cut is being sought so as to allow for the construction of blacktop off-street parking, and such off-street parking being in the best interests of the residents of the City of Rensselaer so as to lessen congestion on nearby City streets, and

WHEREAS, the Common Council has carefully reviewed the proposed project, and believes approval of same is in the best interests of the residents of the City of Rensselaer, and

NOW, THEREFORE BE IT RESOLVED, that the Common Council for the City of Rensselaer hereby approves and ratifies the proposed curb cut at 1364 Broadway in the City and County of Rensselaer, subject to the approval of same by the City Engineer, the DPW Commissioner and the Building & Zoning Administrator.

Approved as to Form and Sufficiency
this 5th day of May, 2021

Corporation Counsel

Approved By:

Mayor

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahy	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

By Alderperson : COUNCIL AS A WHOLE

#2

Seconded by Alderperson : _____

A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 5 OF 2021 AS TO FORM AND SCHEDULING A PUBLIC HEARING THEREON

WHEREAS, the City of Rensselaer is desirous of establishing a Local Law to Prohibit Excess Food Delivery Fees in the City of Rensselaer by creating Section 97-2 of the Code of the City of Rensselaer; and

WHEREAS, the Common Council has reviewed proposed Local Law No. 5 of the year 2021, attached hereto; and

WHEREAS, such Local Law appears appropriate as to form and it appearing appropriate for a Public Hearing to be scheduled so as to consider public comments on such proposed Local Law.

NOW, THEREFORE BE IS RESOLVED, that proposed Local Law No. 5 of the year 2021 is hereby approved as to form; and

BE IT FURTHER RESOLVED, that a Public Hearing will be held at 6:30 pm on May 19, 2021 at the City Hall of the City of Rensselaer located at 62 Washington Street, Rensselaer, New York, so as to the allow the Common Council to hear Public Comment on proposed Local Law No. 5 of 2021; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to issue appropriate Public Notice of the Public Hearing scheduled herein.

Approved as to form and sufficiency
this 5th day of May, 2021

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

Corporation Counsel

Mayor

CITY OF RENSSELAER

LOCAL LAW NO. 5 OF 2021

A LOCAL LAW PROHIBITING EXCESS FOOD DELIVERY FEES IN THE CITY OF RENSSELAER BY AMENDING PART II, CHAPTER 97 OF THE CODE OF THE CITY OF RENSSELAER

Be it enacted by the Common Council of the City of Rensselaer as follows:

Section 97-2 of PART II: GENERAL LEGISLATION, Chapter 97 Fees of the Code of the City of Rensselaer is hereby created, and shall read as follows:

§ 97-2. Third-party food delivery service charge.

1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Delivery fee" means a fee charged by a third-party food delivery service for providing a food service establishment with a service that delivers food from such establishment to customers. The term does not include any other fee that may be charged by a third-party food delivery service to a food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery service platform or fees related to processing the online order.

(b) "Food service establishment" means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

(c) "Online order" means any order placed by a customer through or with the assistance of a platform provided by a third-party food delivery service, including a telephone order.

(d) "Purchase price" means the total price of the items contained in an online order that are listed on the menu of the food service establishment where such order is placed. Such term does not include taxes, gratuities and any other fees that may make up the total cost to the customer of an online order.

(e) "Third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than twenty food service establishments located in the state that are owned and operated by different persons.

2. Notwithstanding any other law, rule or regulation:

(a) No third-party food delivery service shall charge a food service establishment a delivery fee that totals more than fifteen percent of the purchase price of each online order;

(b) It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee or fees, other than a delivery fee permitted under paragraph (a) of this subdivision, for the use of services provided by such third-party delivery service that is greater than five percent of the purchase price of each online order, provided that such cap shall not apply to a credit card fee that is charged to the third-party food delivery service and is charged in the same amount by the third-party food delivery service to such food service establishment.

(c) Any fee or other charges from a third-party food delivery service to a food service establishment beyond such maximum five percent fee per order and a credit card fee pursuant to paragraph (b) of this subdivision, and a delivery fee collected pursuant to paragraph (a) of this subdivision, shall be unlawful; and

(d) No third-party food delivery service shall reduce the compensation, including but not limited to, any tip or gratuity, paid to any worker, as a result of compliance with the provisions of this section.

Section 3. Penalties.

Any person who violates any provision of this local law shall for a first conviction thereof be subject to a fine of not more than Three Hundred Dollars (\$300.00); for a conviction of a second violation, both of which were committed within a period of eighteen (18) months, such person shall be punished by a fine of not more than Six Hundred Dollars (\$600.00); and upon the conviction of a third or subsequent violation, all of which were committed within a period of eighteen (18) months, such person shall be punished by a fine of not more than Nine Hundred Dollars (900.00).

Section 4. Separability.

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part of this local law.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

#3

By Alderperson

COUNCIL AS A WHOLE

Seconded by Alderperson

A RESOLUTION AUTHORIZING THE USE AND CONTROL OF A DESIGNATED PORTION OF RIVERFRONT PARK BY THE "STREET SOLDIERS" FOR A CHARITABLE FOOD DRIVE EVENT ON THE THIRD SATURDAY OF EACH MONTH FROM 9:00 AM TO 10:30 AM AS SPACE IS AVAILABLE

WHEREAS, the "Street Soldiers" is sponsoring a Charitable Food Drive Event from 9:00 am to 10:30 am on the third Saturday of each month and is desirous of using a designated portion of Riverfront Park to host such event, and

WHEREAS, it has been the custom of this City to permit such use of Riverfront Park to such not for profit community organizations to promote community spirit,

NOW, THEREFORE, BE IT RESOLVED that the "Street Soldiers" is hereby authorized to utilize a designated portion of Riverfront Park from 9:00 am to 10:30 am on the third Saturday of each month as space is available for a Charitable Food Drive Event, with no vehicles to be parked or driven upon the Basketball Court Area or any other paved or hard topped sporting areas, and

BE IT FURTHER RESOLVED, that such permission is conditioned upon the delivery of a Certificate of Insurance to the Corporation Counsel of the City of Rensselaer, and evidencing liability coverage in an amount of not less than One Million Dollars (\$1,000,000.00), and specifically indemnifying the City on account of the activities planned, and

BE IT FURTHER RESOLVED, that a Rensselaer County Department of Public Health permit be obtained and filed with the Corporation Counsel, and all COVID-19 Protocols for Public Gatherings are to be followed.

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

Approved as to form and sufficiency
this 5th day of May, 2021

Corporation Counsel

Approved by:

Mayor

#4

By Alderperson : _____ Council As A Whole

Seconded by Alderperson : _____

A RESOLUTION PROHIBITING PARKING AND STREET CLOSURES FOR MEMORIAL DAY PARADE

WHEREAS, the City of Rensselaer will conduct its annual Memorial Day Parade on Sunday May 30, 2021 between the hours of 9:00 a.m. through 4:00 p.m., and

WHEREAS, the City of Rensselaer desires to close streets along the Parade Route beginning at 1:30 p.m. to facilitate the parade, and

WHEREAS, the City of Rensselaer desires that there be no parking of vehicles on both sides of the streets along the Parade Route between the hours of 11:00 a.m. and 4:00p.m. to allow for maximum viewing of the Parade for our residents.

NOW, THEREFORE BE IT RESOLVED, that the streets along the Parade be closed to traffic beginning at 1:30 p.m. and be closed until the Parade is completed, and

BE IT FURTHER RESOLVED, that Washington Avenue from Eighth Street to Fourth Street be closed to traffic commencing at **12:30 p.m.** on May 30, 2021 and

BE IT FURTHER RESOLVED, that streets to be closed along the Parade route are as follows: beginning at the intersection of Washington Avenue and Forbes turning onto Third Street then West (right) onto Partition Street to Broadway, turning South (left) and continuing South on Broadway to Third Avenue, turning East (left) onto Third Avenue and ending at the intersection of Third Avenue and Walker Street with the reviewing stand across from Huyck Square on Third Avenue, and

BE IT FURTHER RESOLVED, that the City Clerk post the appropriate legal notice in the Troy Record, and

BE IT FURTHER RESOLVED, the City of Rensselaer DPW Post temporary “No Parking” signs on both sides of the Streets along the Parade Route.

Approved as to form and sufficiency
this 5th Day of May, 2021

Corporation Counsel

Approved By:

Mayor

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
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Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
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Vote Totals	Aye	No	Abstain	Absent
Result				