



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
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AGENDA COMMON COUNCIL MEETING OCTOBER 21, 2020

1. RESOLUTION DESIGNATING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE CITY OF RENSSELAER
2. RESOLUTION DESIGNATING OCTOBER AS BREAST CANCER AWARENESS MONTH
3. AMENDED RESOLUTION FOR THE ADOPTION OF A DEFINED CONTRIBUTION LENGTH OF SERVICE AWARD PROGRAM PURSUANT TO GENERAL MUNICIPAL LAW SECTION 218 FOR THE VOLUNTEER FIREFIGHTERS OF THE RENSSELAER FIRE DEPARTMENT SUBJECT TO MANDATORY REFERENDUM
4. RESOLUTION AUTHORIZING THE CITY ENGINEER TO DIRECT PLACEMENT OF NON-PARKING TRAFFIC CONTROL DEVICES - CITY ENGINEER
5. A RESOLUTION TO APPROVE LOCAL LAW NO. _____ OF 2020 AMENDING CHAPTER 179 OF CITY CODE – PLANNING DEPARTMENT
6. A RESOLUTION ADOPTING AND ESTABLISHING A REVISED FEE SCHEDULE FOR THE BUILDING AND PLANNING DEPARTMENT OF THE CITY OF RENSSELAER – BUILDING AND PLANNING

#1

By Alderperson:

Council as a Whole

Seconded by Alderperson:

RESOLUTION DESIGNATING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE CITY OF RENSSELAER

WHEREAS, Domestic Violence impacts countless New Yorkers, without regard to age, race, religion, or economic status; as victims suffer at the hands of a spouse or partner it affects their children, families, and entire communities; and

WHEREAS, the City of Rensselaer is desirous of showing support, awareness, and commitment to the issue of Domestic Violence in our City by joining with Ashley Hart, Founder of 2Harts One Soul Inc. in turning City Hall Purple by the placement of purple light bulbs within the windows of our building at 62 Washington Street; and

WHEREAS, the City of Rensselaer joins with others across New York State and the Nation in supporting victims of domestic violence and share the worthy goals of this month-long observance, and likewise support the work of public and private entities that strive to provide the best response to domestic violence in communities across the state.

NOW, THEREFORE, BE IT RESOLVED, that the City of Rensselaer does hereby designate October, 2020 as Domestic Violence Awareness Month in Rensselaer, NY.

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				

Approved as to form and sufficiency
This 21st day of October, 2020

Corporation Counsel

Approved by:

Mayor

#2

By Alderperson:

Council as a Whole

Seconded by Alderperson:

RESOLUTION DESIGNATING OCTOBER AS BREAST CANCER AWARENESS MONTH IN THE CITY OF RENSSELAER

WHEREAS, in 2020, an estimated 276,480 new cases of invasive breast cancer are expected to be diagnosed in women in the United States along with 48,530 new cases of non-invasive breast cancer; and

WHEREAS, as of January 2020, there are more than 3.5 million women with a history of breast cancer in the United States. This includes women being currently treated and women who have finished treatment.

WHEREAS, promoting awareness and the importance of early detection and mammography is key in decreasing these numbers and promoting civic responsibility among our residents.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Rensselaer hereby declares October as Breast Cancer Awareness Month in the City of Rensselaer.

Approved as to form and sufficiency
This 21st day of October, 2020

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				

3

By Alderperson : _____

Seconded by Alderperson : _____

Amended Resolution for the adoption of a Defined Contribution Length of Service Award Program Pursuant to General Municipal Law Section 218 for the Volunteer Firefighters of the Rensselaer Fire Department Subject to Mandatory Referendum

This resolution of the City of Rensselaer in the County of Rensselaer, State of New York, calling for a mandatory referendum for approval of the establishment of a Length of Service Award Program for the Rensselaer Fire Department at Special Election to be held on the 8th day of December, 2020, and directing publication of notice of the proposition to be voted on at said election, and for determining other matters in connection therewith.

WHEREAS, Pursuant to Article 11-a of the General Municipal Law, a length of service award program may be adopted by resolution of the governing body of a political subdivision of the State of New York subject to mandatory referendum for the benefit of volunteer firefighters serving said political subdivision, and

WHEREAS, The City Common Council as the governing body of the City of Rensselaer ("City") desires to establish such length of service award program to promote the recruitment and retention of volunteer firefighters to provide service to the City.

NOW THEREFORE BE IT RESOLVED, by the City Common Council of the City of Rensselaer, by a unanimous vote of the members of said Common Council, that such Resolution is approved authorizing the establishment of a length of service award program, as follows:

SECTION ONE: The City shall conduct a mandatory referendum of the eligible voters of the City at a Special Election to be conducted between Noon and 9:00pm EST on Tuesday, December 8th, 2020 at Rensselaer City Hall, 62 Washington Street, Rensselaer, New York 12144, to determine whether this Resolution of the City Common Council to establish a length of service award program ("Program") as provided for in Article 11-A of the General Municipal Law shall be approved.

SECTION TWO: The names of the volunteer fire companies comprising the City of Rensselaer Fire Department who maintain volunteers who are potential Participants in the Program are:

1. G.S. Mink Steamer and T. Claxton Hose Company No. 2, Auxiliary Inc.,
2. E.F. Hart Hose Co. No. 3 Rensselaer, New York, Inc.,
3. Rensselaer City Chemical and Hose Fire Company No. 4, and
4. James Hill Hook and Ladder Company of the City of Rensselaer, N.Y.

SECTION THREE: The Program Sponsor ("Sponsor") will be the City and the City, or its designee, will administer the Program.

SECTION FOUR: The type of Service Award Program shall be a Defined Contribution Plan Service Award Program as described in the New York State General Municipal Law Section 218. The City shall provide a Program benefit award for each participating qualifying active volunteer firefighter ("Participant") of the Rensselaer Fire Department for each Participant's accrual of a "year of firefighting service" up to a maximum of forty (40) years.

SECTION FIVE: The "Entitlement Age" under the Program shall be sixty-five (65) years of age. In order to receive payment under the Program, the Participant must attain the Entitlement Age of sixty-five (65) years of age. Upon reaching the Entitlement Age, the Participant can elect to cease accruing service points or may continue to accrue service points up to the Program maximum of forty (40) years at which time the Participant will cease earning further service credit. Nothing shall prohibit a Participant from attaining points for the entire calendar year in which the Participant reaches the Entitlement Age. In the event that a Participant dies before reaching the Entitlement Age, the Participant's designated beneficiary shall be paid a lump sum equal to the actual value of the Participant's accrued benefit at the time of death.

SECTION SIX: The estimated annual cost of the Program is \$25,000 and the annual cost of the Program thereafter is estimated to cost \$25,000. The estimated administrative costs to establish the Program is \$3,500. The estimated annual administrative costs for the Program is \$2,000 per year.

SECTION SEVEN: In order to qualify as a Participant in the Program and accumulate credit, the person must be an active volunteer firefighter in one of the volunteer fire companies in the Rensselaer Fire Department; must earn one (1) year of firefighting service credit under the Program; and be at least 18 years of age. In order to qualify for a "year of firefighting service" the volunteer firefighter/Participant must earn

fifty (50) points in such year, such points to be awarded under a point system adopted by the Rensselaer City Common Council in accordance with Section 217(c) of the New York State General Municipal Law. A Participant shall be granted points toward a year of fire service credit for responding to fire and emergency calls and by participating in drills, training courses, attendance at authorized meetings, holding office, for sleep-ins or standbys and any activity and any other miscellaneous activity authorized in the maximum allowable point totals provided for under General Municipal Law Section 217(c)(i-ix) or as approved by the plan Sponsor. **The City of Rensselaer Common Council hereby adopts the attached Rensselaer Fire Department Service Awards Program Point System.**

SECTION EIGHT: A Participant obtains a non-forfeitable right to a service award (becomes fully vested in the Program) after the Participant has earned credit for five (5) years of qualifying service. A Participant in one of the fire companies identified in SECTION TWO may obtain a non-forfeitable right to a service award in less than five (5) years upon earning one year of qualifying service credit after 2020 and reaching the Entitlement Age before December 31, 2025. A Participant will be deemed to be fully vested in the event the Participant dies or is adjudicated to be totally disabled before earning five (5) years of qualifying service.

Upon reaching the entitlement age a Participant or a Participant's beneficiary, may receive the accrued service award in lump sum, in annual installment distributions over a period not to exceed ten years, or in another actuarial equivalent form approved by the plan Sponsor. The normal form of payment shall be in the form of lump sum payment or in a five or a ten-year continuous and certain monthly payment life annuity. The manner of distribution in other actuarially equivalent form of payment must be in a manner approved by the City Common Council.

SECTION NINE: The amount of the annual contribution to the Program to be made on behalf of each Participant is a minimum of one hundred twenty (\$120) dollars per year and a maximum of twelve hundred (\$1,200) dollars per year. The amount of the annual contribution per Participant shall be adjusted annually by taking the Sponsor's total annual contribution of \$25,000, subtracting administrative costs, and dividing it based upon the number of Participants who earn a year of firefighting service credit for that year. Should the Sponsor's total annual contribution be increased in future years and the number of Participants qualifying for a year of firefighting service credit remain constant, a Participant's annual award may be in an amount above the minimum amount but may not exceed twelve hundred (\$1,200) dollars per year, subject to amendments to New York State General Municipal Law Section 218(b).

SECTION TEN: The Program provides no contribution and makes no award for years of prior service before 2021. The Program shall take effect January 1, 2021.

SECTION ELEVEN: The proposition authorizing the adoption of the Program shall be submitted to referendum on December 8th, 2020.

SECTION TWELVE: An active volunteer firefighter whose service is interrupted by fulltime extended obligatory military service or by a single volunteer enlistment not exceeding four years in the armed forces of the United States, shall be considered on military leave and shall receive the minimum number of fifty points per year during the period of his or her absence, not to exceed four (4) years pursuant to New York State General Municipal Law Section 217(d)(i). An active volunteer firefighter whose service is interrupted for a period of less than one year will be entitled to a pro rata allotment of Service Award points in an amount equal to 1/12th of the requisite fifty points for each month the Participant is on military leave.

SECTION THIRTEEN: In the event that a Program Participant becomes disabled and such disability prevents the Participant from participating in the active volunteer firefighter's normal occupation and if the disability is total and permanent as certified by the Workers' Compensation Board or other authority of competent jurisdiction approved by the City, the Participant will be entitled to receive the benefits accrued during the Participant's participation in the Program regardless of the Participant's age or length of service in the Program. Such benefits shall begin on the first day of the first month following the demonstration of proof to the Program Administrator of such disability. In the event that such total and permanent disability was sustained by the Participant as a result of a line-of-duty activity covered by the Volunteer Firefighter's Benefit Law, the firefighter shall be entitled to the additional disability set forth in paragraph (e) of Section 219 of Article 11-A of the General Municipal Law or as it may be amended or superseded.

SECTION FOURTEEN: Upon an affirmative vote of at least sixty percent of the City Common Council, an Election of the qualified voters of the shall be held at the Rensselaer City Hall, 62 Washington Street, Rensselaer, New York 12144 in the City of Rensselaer on Tuesday, December 8th, 2020 from Noon to 9:00 p.m. EST, or as much longer as may be necessary to enable the voters then present to cast their votes to approve the Program.

SECTION FIFTEEN: The vote upon the proposition is to be submitted to the qualified voters as a mandatory referendum and shall be by secret ballot. The City Clerk is hereby authorized and directed to have the necessary ballots prepared for use in voting and have the necessary records, registers, and list of qualified electors obtained from the Rensselaer County Board of Elections and to otherwise coordinate with the Rensselaer County Board of Elections to oversee the conducting of the referendum. The City Clerk is hereby authorized and directed to give notice of the

proposition subject to mandatory referendum in the required usual and customary fashion for the annual election.

SECTION SIXTEEN: The Notice of Election and Proposition shall be in substantially the following form:

Shall the RESOLUTION OF THE CITY COMMON COUNCIL OF THE CITY OF RENSSELAER, ADOPTED THE DAY OF _____, 2020 AUTHORIZING THE ESTABLISHMENT OF A DEFINED CONTRIBUTION PLAN SERVICE AWARD PROGRAM PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW SECTION 218 FOR THE VOLUNTEER FIREFIGHTERS OF THE CITY OF RENSSELAER FIRE DEPARTMENT; STATING THE ESTIMATED ANNUAL COST TO BE \$25,000.00 BASED ON THE NUMBER OF ANTICIPATED PARTICIPANTS; STATING THE INITIAL ADMINISTRATIVE COSTS TO BE \$3,500.00; STATING THE ESTIMATED ANNUAL ADMINISTRATIVE COSTS THEREAFTER TO BE \$2,000.00; STATING THAT THE PROJECTED ANNUAL AWARD TO BE PAID TO AN ELIGIBLE PARTICIPANT TO BE A MINIMUM OF \$120.00 AND A MAXIMUM OF \$1,200 FOR EACH QUALIFYING YEAR OF FIREFIGHTING SERVICE CREDIT DEPENDING UPON THE NUMBER OF PARTICIPANTS; STATING THAT THE ESTIMATED ANNUAL COST OF THE AWARD AND FEES PER COVERED PARTICIPANT IS \$1000; STATING THAT THE NORMAL FORM OF PAYMENT OF THE BENEFIT SHALL BE A LUMP SUM, A FIVE OR TEN YEAR CONTINUOUS AND CERTAIN LIFE ANNUITY, OR OTHER ACTUARIALLY EQUIVALENT FORM OF PAYMENT; STATING THAT THE PROGRAM IS TO BECOME EFFECTIVE JANUARY 1, 2021, *be approved?*

Approved as to Form this _____ day
of _____, 2020.

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

RENSELAER FIRE DEPARTMENT
SERVICE AWARDS PROGRAM

A year of fire-fighting service shall be credited to any volunteer member of the Rensselaer Fire Department who has completed one year of fire-fighting service for each calendar year, after the establishment of the program on January 1, 2021, in which an active member of the Company accumulates at least 50 (fifty) points. Points shall be granted by the Rensselaer Fire Department for participation in the activities outlined herein, pursuant to General Municipal Law Section 217.

I. **EMERGENCY CALL RESPONSES**

A. Department Responses To Non-Medical Emergency Calls:

25 POINTS will be awarded to firefighters responding to the minimum number of fire or emergency calls, as outlined below:

Total number of annual calls: 1 – 500	% Member must respond to: 10%
Total number of annual calls: 501- 1000	% Member must respond to: 7.5%
Total number of annual calls: 1001 - 1500	% Member must respond to: 5%
Total number of annual calls: 1501 and up	% Member must respond to: 2.5%

B. Department Responses To Emergency Medical Services Calls:

25 POINTS will be awarded to firefighters responding to the minimum number of emergency medical services (ambulance and first aid) calls, as outlined below:

Total number of annual calls: 1 - 500	% Member must respond to: 10%
Total number of annual calls: 501 - 1000	% Member must respond to: 7.5%
Total number of annual calls: 1001 - 1500	% Member must respond to: 5%
Total number of annual calls: 1501 and up	% Member must respond to: 2.5%

II. **DRILLS:** Supervised by the Fire Officers. **One (1) point per drill** (minimum of 2 hours) will be awarded. **ANNUAL POINT MAXIMUM: 20.**

NOTE: A drill shall be defined as "*A training session, whether conducted on the premises of the Rensselaer Fire Department, at any other location, or remotely in which all active firefighters of the Rensselaer Fire Department are eligible to participate in or attend.*"

III. **TRAINING COURSES:** All training courses must be approved in advance by the Chief or his designee. **ANNUAL POINT MAXIMUM: 15.**

- A. Courses under 20 hours in duration - **1 (one) point per hour**, with a **maximum of 5 (five) points per course.**
- B. Courses of 20 to 45 hours in duration - **1 (one) point per hour** for each hour over initial 20 (twenty) hours, with a **maximum of 10 (ten) points per course.**

C. Courses over 45 hours in duration - **15 points per course.**

IV. **COMPANY MEETING ATTENDANCE:** Attendance at any official meeting or special meeting of the membership of the constituent fire companies called pursuant to the Bylaws or other authority: **One (1) point per meeting. ANNUAL POINT MAXIMUM: 13.**

V. **ELECTED OR APPOINTED POSITIONS:** If any elected or appointed member holds more than one position, the greater points shall be awarded. **ANNUAL POINT MAXIMUM: 25.**

A. Captain, President, Vice-President: **20 Points**

B. Lieutenant **15 Points**

C. Secretary, Treasurer, Quartermaster, Director **10 Points**

D. Safety Officers **10 Points**

VI. **MISCELLANEOUS ACTIVITIES:** Participation in other activities covered by VFBL and not otherwise listed. **One (1) point per activity. ANNUAL POINT MAXIMUM: 12.**

A. Fire Prevention

B. Maintenance/Clean-Up

C. Parades

D. Funerals/Wakes

E. Parades

F. Fund Raising Activities

G. Special Assignments (i.e. recruitment, job fairs, etc.)

H. Honor Guard/Color Guard

I. Memorial Service

J. Delegate Attendance

K. Members Attending Fire Service Organization Meetings

L. Physical Fitness Training (1 point for 10 visits/sessions of at least 1 hour)

VII. **SLEEP-IN:** Authorized by the Chief or his designee. Must involve one full night (11:00pm - 6:00am). **One (1) point per Sleep-In. ANNUAL POINT MAXIMUM FOR SLEEP-IN OR STAND-BY: 20.**

- VIII. **STAND-BY:** Authorized by the Chief consisting of a line of duty activity of the Department lasting for four hours and not falling under one of the other categories, **One (1) point per Stand-by. ANNUAL POINT MAXIMUM FOR SLEEP-IN OR STAND-BY: 20**
- IX. **DISABILITY SUSTAINED IN THE LINE OF DUTY:** In the event that any active volunteer firefighter is either totally and temporarily disabled, or partially and permanently disabled, as determined by the Workers Compensation Board or other competent authority approved by the sponsor of the Service Award Program, and the disability occurs during the course of service as a volunteer , while actively engaged in providing line of duty services , as defined in Subdivision I (one) of Section 5 (five) of the Volunteer Firefighter' s Benefit Law, the firefighter shall receive 5 (five) points for each full month of such disability.
- X. **MILITARY LEAVE:** Any member granted Military Leave by the Department, and performing full time military service in accordance with Section 217, Subdivision (i) of the New York State General Municipal Law, shall be awarded service award points, pursuant to said law.

#4

By Alderperson:

LEAHEY

Seconded by Alderperson:

RESOLUTION AUTHORIZING THE CITY ENGINEER TO DIRECT PLACEMENT OF NON-PARKING TRAFFIC CONTROL DEVICES - CITY ENGINEER

WHEREAS, the City is mandated to follow the requirements of the National Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and 17 NYCRR Chapter V for placement of all non-parking traffic control devices on City Streets in the City of Rensselaer, and

WHEREAS, pursuant to Section 107 of the City Charter the Common Council sits as Highway Commissioners with authority to designate the City Engineer to direct placement of non-parking traffic control devices on City Streets, and

WHEREAS, the City Engineer is the City Official trained for such duties and is fully familiar with MUTCD and 17 NYCRR Chapter V relative to placement of non-parking traffic control devices, and

WHEREAS, the Common Council will reserve authority on placement of parking related signage, and

WHEREAS, good cause appearing for the designation of the City Engineer for the aforementioned duties, and a Public Hearing having been conducted so as to consider public comments on such proposed designation,

NOW, THEREFORE BE IT RESOLVED, that the designation of duties to the City Engineer as stated herein is hereby approved.

Approved as to form and sufficiency
this day of , 2020

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
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				

5

By Alderperson : _____ GARDNER _____

Seconded by Alderperson : _____

**A RESOLUTION TO APPROVE LOCAL LAW NO. _____ OF 2020 AMENDING CHAPTER 179 OF CITY CODE
– PLANNING DEPARTMENT**

WHEREAS, The City of Rensselaer is desirous of establishing a Local Law to remove possible ambiguities in Chapter 179, Section 179-77 and Section 179-89 of the Rensselaer City Code relative to the expiration of site plan approval and expiration of variances, and

WHEREAS, the Common Council has reviewed proposed Local Law No. _____ of the year 2020, and

WHEREAS, such Local Law appears appropriate as to form and effect, and a Public Hearing having been conducted thereon so as to consider public comments on such proposed Local Law,

NOW, THEREFORE BE IT RESOLVED, that proposed Local Law No. _____ of the year 2020 is hereby approved as to form and effect, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to file a certified copy of such Local Law with the Office of the New York State Secretary of State.

Approved as to form and sufficiency
this _____ day of _____, 2020

Corporation Counsel

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
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				

CITY OF RENSSELAER

LOCAL LAW NO. ___ OF THE YEAR 2020.

**A Local Law to Amend Chapter 179, Section 179-77
and Section 179-89 of the Rensselaer City Code,
Relative to the Expiration of Site Plan Approval
Expiration of Variances**

and

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

ARTICLE I. INTENT

This Local Law shall be known as Local Law No. ___ of 2020, and shall amend Chapter 179, Section 179-77 and Section 179-89 of the Rensselaer City Code relative to the expiration of site plan approval and expiration of variances. The purpose of this Local Law is to update Chapter 179, Section 179-77 and Section 179-89 of the City Code to address any inconsistencies possibly previously existing in such Sections.

ARTICLE II. LEGISLATIVE ACTION

The Common Council of the City of Rensselaer, New York, hereby amends Chapter 179, Section 179-77 and Section 179-89 of the Rensselaer City Code, so as to read as follows:

§179-77. Expiration of site plan approval.

A. Termination.

- (1) Such site plan approval will automatically terminate one year after the same is granted unless a building permit has been issued and significant work has been commenced on the project. Building permits shall expire one year after the same is granted.
- (2) Such site plan approval may be terminated for cause at any time after 10 days' written notice to the applicant.
- (3) Such site plan approval will terminate if a property remains vacant for more than one year.

B. Extension.

- (1) Prior to termination of site plan approval, an applicant may file for an extension of site plan approval for the period of six months upon the approval of the Planning Commission and Building and Zoning Administrator. Prior to expiration of such extension, an applicant may apply for one additional extension.

C. Renewal.

- (1) Within one (1) year of the expiration of site plan approval and any extension thereto, an applicant may apply for renewal of site plan approval for a period not to exceed one year from approval of such renewal.

§ 179-89. Expiration of variances

A. Variances.

(1) When an area variance is granted by the Zoning Board of Appeals, which enables an applicant to do construction which requires a building permit, or a use variance is granted by the Zoning Board of Appeals and construction which requires a building permit is necessary for conversion to the use for which the variance is granted, and the applicant has not obtained a building permit to construct the building or part thereof for which the variance has been granted and initiated the construction work within one (1) year from the date of the granting of the variance, said variance shall become void.

(2) When an area variance is granted by the Zoning Board of Appeals, which enables an applicant to do construction which requires a building permit, or a use variance is granted by the Zoning Board of Appeals and construction which requires a building permit is necessary for conversion to the use for which the variance is granted and a building permit to construct the building or part thereof for which the variance has been granted has been obtained, and the construction has not been substantially completed prior to the expiration of the building permit, said variance shall become void.

ARTICLE III. EFFECTIVE DATE

This Law shall take effect immediately upon its filing with the Office of the New York State Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 2020 of the City of Rensselaer was duly passed by the Common Council on _____, 2020, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ___ of 2020 of the City of Rensselaer was duly passed by the Common Council on _____, 2020, and was (approved)(not approved) (repassed after disapproval) by the Elective Chief Executive Officer*, Mayor Michael Stammel, and was deemed duly adopted on _____, 2020.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 2020 ___ of the City of Rensselaer was duly passed by the _____ on _____, 200___, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer*, _____ on _____, 200___. Such Local Law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 200___, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 2020 of the City of Rensselaer was duly passed by the Common Council on _____, 2020, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Officer*, Mayor Michael Stammel, on _____, 2020. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2020, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 200___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 200___, became operative.

* Elective Chief Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200___ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 200___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County Legislative Body, City, Town or Village
Clerk or officer designated by local legislative body
CITY CLERK

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

State of New York
County of Rensselaer

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

Corporation Counsel

Title

CITY OF: RENSELAER

Date: _____

#6

By Alderperson : _____ GARDNER _____

Seconded by Alderperson : _____

A RESOLUTION ADOPTING AND ESTABLISHING A REVISED FEE SCHEDULE FOR THE BUILDING AND PLANNING DEPARTMENT OF THE CITY OF RENSSELAER – BUILDING AND PLANNING

WHEREAS, The City of Rensselaer is desirous of amending certain portions of the fee schedule for the Building and Planning Department, and

WHEREAS, The Common Council has reviewed the attached amended fee schedule, which is made a part hereof and incorporated herein by reference, and

WHEREAS, such amended fee schedule appears appropriate as to form and effect, and a Public Hearing having been conducted thereon so as to consider public comments on such amended fee schedule,

NOW, THEREFORE BE IT RESOLVED, that the attached amended fee schedule for the City of Rensselaer Building and Planning Department is hereby approved and adopted as to form and effect.

Approved as to form and sufficiency
this ____ day of _____, 2020

Corporation Counsel

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
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				

Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Building Inspector.

Classes of building sewer permits; applications; fees.

A.

There shall be seven classes of building sewer permits; the class description of and permit and inspection fee for each shall be as follows:

Class	Permit and Inspection Fee
1. One- or two-family residential	\$35
2. Commercial buildings with sanitary sewage waste only, gross building area not more than 2,500 square feet	\$65
3. Multifamily dwellings (3 dwelling units or more)	\$35, plus \$15 per dwelling unit for each dwelling
4. Commercial buildings with sanitary sewage waste only, gross area more than 2,500 square feet but not more than 50,000 square feet	\$65, plus \$15 for each 2,500 square feet or portion thereof above the first 2,500 square feet
5. Commercial buildings with sanitary sewage waste only, gross area more than 50,000 square feet	\$270, plus \$10 for each 2,500 square feet or portion thereof above the first 50,000 square feet
5. Industrial buildings or any building, structure or improvement discharging wastewater other than sanitary sewage(gross building area not more than 20,000 square feet)-	\$250
7. Industrial buildings or any building, structure or improvement discharging wastewater other than sanitary sewage (gross building area more than 20,000 square feet)	\$250, plus \$15 for each 2,500 square feet (or portion thereof) above the first 20,000 square feet

Sewer Impact Fees:

Residential:

- 1. 1-2 Units.....\$2,500.00
- 2. 3 or More Units.....\$2,750.00

Commercial:

Under 10,000 sq. ft., Commercial \$ 4,500.00

Over 10,000 sq. ft., Commercial \$ 4,750.00

Industrial:

Will be reviewed on a case by case basis by the Water and Engineering Departments to determine the appropriate impact fee.

Water Impact Fees:

Residential:

- 1. 1-2 Units.....\$1,100.00 per unit
- 2. 3-20 Units.....\$ 900.00 per unit
- 3. 21 or More Units.....\$ 700.00 per unit

Commercial.....\$ 2500.00 per unit

Industrial:

Will be reviewed on a case by case basis by the Water and Engineering Departments to determine the appropriate impact fee.

*Impact Fees are collected to help offset required future modifications or expansion to the system based on cumulative increases in service requirements, and are to be deposited in the appropriate Sewer and Water Fund Accounts to offset future improvements or repairs to the City Sewer and Water Systems. Residential Water Impact Fees for Three (3) or more Units can be paid on an Installment Payment Plan of no more than three (3) years to be pre-approved on a case by case basis by the Water and Engineering Departments.

B.

In all cases, the owner of the property involved or his authorized agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer/Building Inspector. The permit and inspection fee shall be paid to the City at the time the application is filed.

Responsibility for costs and expenses; indemnification of City.

A.

All costs and expenses incident to the installation, maintenance and connection of the building sewer shall be borne by the owner.

B.

The owner shall indemnify the City from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

Independent building sewers required; exception.

A separate and independent building sewer shall be provided for every building; except that where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building

through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Building Inspector, to meet all requirements of this chapter.

Conformance with standards for construction.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the material and procedures set forth in appropriate specifications of the State Building Construction Codes, the American Society for Testing and Materials (ASTM) and the Water Pollution Control Federation (WPCF), Design and Construction of Sanitary and Storm Sewers, Manual of Practice No. 9, shall apply.

Elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Connection of sources of surface runoff or groundwater restricted.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.

Conformance with standards of connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the State Building Construction Codes, ASTM, and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Building Inspector in writing before installation.

Supervision of connection.

The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Inspector or his representative.

Guarding of excavations; restoration of property.

A.

All excavations for building sewer installations shall be adequately sheeted and guarded with barricades and lights so as to protect the public.

B.

Property disturbed in the course of the work shall be restored in a manner satisfactory to the Building Inspector.

C.

A Bond in the amount of One Million Dollars in favor of the City of Rensselaer, New York will be required whenever Public Property, such as Sidewalks, Streets or City Utilities, are to be disturbed.