



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
JUNE 16, 2021

1. A RESOLUTION TO APPROVE PROPOSED LOCAL LAW #6 OF 2021
2. A RESOLUTION TO APPROVE LOCAL LAW #7 OF 2021
3. A RESOLUTION AUTHORIZING THE ABANDONMENT AND DISPOSAL OF BICYCLES BY THE RENSSELAER POLICE DEPARTMENT
4. A RESOLUTION TO APPROVE PROPOSED LOCAL LAW #8 OF 2021 AMENDING CHAPTER 169 OF THE CITY CODE (VEHICLES AND TRAFFIC) AS TO FORM AND SCHEDULING A PUBLIC HEARING THEREON
5. RESOLUTION APPROVING CURB CUT FOR 211 WASHINGTON AVENUE-BUILDING DEPARTMENT
6. A RESOLUTION URGING THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO REVOKE THE OPERATING PERMIT FOR THE DUNN LANDFILL

By Alderperson : COUNCIL AS A WHOLE

Seconded by Alderperson : _____

A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 6 OF 2021 AMENDING TITLE II, SECTION 32 OF THE CITY CHARTER (OFFICERS AND EMPLOYEES NOT TO BE INTERESTED IN CONTRACTS) AS TO FORM AND SUBSTANCE

WHEREAS, the City of Rensselaer is desirous of updating Title II, Section 32 of the City Charter so as to allow City Officers and Employees to purchase vacant land from the City as Abutting Landowners; and

WHEREAS, the Common Council has reviewed proposed Local Law No.6 of the year 2021, attached hereto; and

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

NOW, THEREFORE BE IS RESOLVED, that proposed Local Law No.6 of the year 2021 is hereby approved as to form and substance; 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, with such Local Law to be immediately effective upon such filing.

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

SO APPROVED!

Mayor

CITY OF RENSSELAER

LOCAL LAW NO. 6 OF THE YEAR 2021.

**A Local Law to Amend Title II, Section
32 of the Charter of the City of
Rensselaer, New York, Relative to
Officers and Employees Not to Be
Interested in Contracts**

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. 6 of 2021, and shall amend Title II, Section 32 of the Charter of the City of Rensselaer, New York, relating to Officers and Employees not to be Interested in Contracts. This Local Law amends and supersedes all previously adopted Local Laws concerning such Section of the Charter of the City of Rensselaer. The purpose of this Local Law is to update such Section of the City Code so as to allow Officers and Employees to purchase vacant land from the City if they are doing so as abutting landowners.

ARTICLE II. LEGISLATIVE ACTION

The Common Council of the City of Rensselaer, New York, hereby amends Title II, Section 32 of the Charter of the City of Rensselaer, New York, so as to read as follows:

§ 32. Officers and employees not to be interested in contracts.

No member of the Common Council or officer or employee of the city or person receiving a salary or compensation from funds appropriated by the city shall be interested directly or indirectly in any contract to which the city is a party, either as principal, surety or otherwise, nor shall any such member of the Common Council, city officers or employee or person of the firm of which he is a partner purchase from or sell to the city or any officer thereof any real or personal property for the use of the city or any commission or officer thereon, nor shall he be interested directly or indirectly in any work to be performed for or service rendered to or for it or anything sold to or from said city or to any officer, board, commission or person in its behalf. Any contract made in violation of any of these provisions shall be void. A person

shall not be deemed interested in a contract, purchase or sale made by a corporation with, from or to the city solely by reason of the fact that he is a stockholder, director and/or trustee of such corporation. The term "city officer," as used herein, however, shall not be deemed to include a Commissioner of Deeds or City Marshal. Notwithstanding anything contained herein to the contrary, it shall not be the intent of this legislation to prohibit members of the Common Council or officers or employees of the city or persons receiving a salary or compensation from funds appropriated by the city (hereafter sometimes referred to as "borrower") to apply for a loan from the city, in accordance with one of the city's established loan programs, and for said persons to enter into such agreements as are customarily entered into by the borrower in said loan programs. Under no circumstances shall a loan agreement, promissory note, mortgage or other agreement entered into between the borrower and the city be considered void as a result of this provision. The provisions in this Section shall not apply to sales of vacant land to abutting landowners.

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.)

By Alderperson : COUNCIL AS A WHOLE

7/1

Seconded by Alderperson : _____

**A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 7 OF 2021
(PROHIBITED NOISE) AS TO FORM AND SUBSTANCE**

WHEREAS, the City of Rensselaer is desirous of establishing a Local Law to Amend Section 131-1 of the City Code relative to Prohibited Noise so as to include non-emergency use of compression brakes on vehicles; and

WHEREAS, the Common Council has reviewed proposed Local Law No.7 of the year 2021, attached hereto; and

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

NOW, THEREFORE BE IS RESOLVED, that proposed Local Law No. 7 of the year 2021 is hereby approved as to form and substance; 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, with such Local Law to be effective immediately upon such filing.

Approved as to form and sufficiency
this ____ day of _____, 2021

Corporation Counsel

SO APPROVED!

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				

CITY OF RENSSELAER

LOCAL LAW NO. 7 OF THE YEAR 2021.

**A Local Law to Amend Section 131-1
of the Code of the City of Rensselaer,
New York, Relative to Prohibited
Noise**

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. 7 of 2021, and shall amend Section 131-1 of the Code of the City of Rensselaer, New York, relating to Prohibited Noise. This Local Law amends and supersedes all previously adopted Local Laws concerning such Section of the Code of the City of Rensselaer. The purpose of this Local Law is to update such Section of the City Code so as to prohibit the use of compression brakes on vehicles except in the case of an emergency.

ARTICLE II. LEGISLATIVE ACTION

The Common Council of the City of Rensselaer, New York, hereby amends Section 131-1 of the Code of the City of Rensselaer, New York, so as to read as follows:

§ 131-1. Prohibited noise.

- A. It shall be unlawful for any person within the City of Rensselaer to make, continue or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others within the limits of the City.
- B. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section:
- (1) Vehicles: horns, signaling devices, car radios, tape players, compact disc players, amplifiers and loud speakers; the sounding of any horn or signaling device on any automobile, motorcycle or any other vehicle on any street or public place in the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound, the sounding of any such device for any unnecessary and

unreasonable period of time, the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up; and the playing, using, operating or permitting to be played, used or operated of any radio, tape player, compact disc player, amplifier, loud speaker or other machine or device for the producing or reproducing of any sound which is cast upon the public streets, sidewalks, parks, plaza or any other public areas of the City. Authorized emergency vehicles may use warning sounds. Weddings, parades and other organized events which customarily use motor vehicles and sound their horns during the event are excepted from the operation of this chapter.

(a) No person shall use compression brakes while operating a motor vehicle upon any street where signs prohibit the use of compression brakes, except as such use is necessary in an emergency.

(b) Definitions.

(i) "Compression brakes" means a device which, when manually activated, retards the forward motion of a motor vehicle by the direct and sole use of the compression of the engine of the vehicle.

(ii) An "emergency" contemplates that an immediate stoppage or slowing of the vehicle is necessary in order to prevent injury to persons or damage to property or to remedy an injury that has already occurred, and that friction brakes are either not available or would not have been as effective in bring the vehicle to a stop or slowing it down.

(c) This subparagraph shall not apply to vehicles of a municipal fire department, whether or not responding to an emergency, participating in an exercise in emergency management, or rendering assistance under a mutual aid agreement.

- (2) Engine exhausts: the discharge into the open air within the City of the exhaust of any steam engine, gasoline engine, stationary internal-combustion engine or any other type of engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (3) The construction or repairing of buildings: the creation of noise associated with an excavation, demolition, alteration or repair of any building within the City other than between the hours of 6:00 a.m. and 9:00 p.m. except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit maybe renewed for periods of three days while the emergency continues.
- (4) Loudspeakers, amplifiers, paging systems, portable radios, portable tape and compact disc players and sound on the streets: the playing, using or operating or permitting to be played, used or operated of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of any sound which is cast upon the public streets, sidewalks, parks, plaza areas or any public areas of the City. Practice sessions by school bands are exempt from the operation of this chapter.
- (5) Radios and phonographs, use on private property: Playing, using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, tape or compact disc player, television receiving set or other machine or device for the producing or reproducing of sound, including but not limited to machines or devices in motor vehicles, is prohibited if such sound is loud enough to disturb the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- (6) Yelling and shouting: yelling, shouting, hooting or singing on the public streets of the City or at any time or place so as to annoy the peace, quiet, comfort or repose of persons in any office or in any dwelling or any other type of residence or of persons within the vicinity, within the limits of the City.

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By Alderperson : _____ COUNCIL AS A WHOLE _____
Seconded by Alderperson : _____

**A RESOLUTION AUTHORIZING THE
ABANDONMENT AND DISPOSAL OF
BICYCLES ACQUIRED BY THE RENSSELAER
POLICE DEPARTMENT**

WHEREAS, the City of Rensselaer Police Department has acquired numerous bicycles over the years and all of these are deemed worthless, and

WHEREAS, the Rensselaer Police Department is desirous of abandoning and scraping the bicycles that are worthless.

NOW, THEREFORE, BE IT RESOLVED, that the Rensselaer Police Department be authorized to abandon and scrap all worthless bicycles at a junk yard, and

BE IT FURTHER RESOLVED, that any funds received from scrap value be placed in the General Fund.

Approved as to form and sufficiency
this _____ day of _____, 2021

Corporation Counsel

SO APPROVED!

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				

By Alderperson : LEAHEY

Seconded by Alderperson : _____

A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 8 OF 2021 AMENDING CHAPTER 169 OF THE CITY CODE (VEHICLES AND TRAFFIC) AS TO FORM AND SCHEDULING A PUBLIC HEARING THEREON

WHEREAS, the City of Rensselaer is desirous of updating Chapter 169 of the City Code so as to forbid the illegal operation of off-road vehicles in the City of Rensselaer; and

WHEREAS, the Common Council has reviewed proposed Local Law No.8 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.8 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 July 7, 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.8 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 ____ day of _____, 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

SO APPROVED!

Mayor

A LOCAL LAW AMENDING CHAPTER 169 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF RENSSELAER RELATING TO THE ILLEGAL OPERATION OF OFF-ROAD VEHICLES IN THE CITY OF RENSSELAER – POLICE DEPARTMENT

Section 1. Chapter 169 (Vehicles and Traffic) of Part II (General Legislation) of the Code of the City of Rensselaer is hereby amended to read as follows:

§ 169-1 Definitions.

For the purpose of this Chapter, the following terms shall have the meanings indicated:

OFF-ROAD VEHICLES

All-terrain vehicles (sometimes known as “ATVs”) as that term is defined in Section 2281 (1) of the New York State Vehicle and Traffic Law; off-highway motorcycles as that term is defined in Section 125-a of the New York State Vehicle and Traffic Law; motocross or dirt bikes, dune buggies, go-carts and any and all other types of motorized trail bikes or vehicles that are manufactured for sale or operation primarily on off-highway trails or for off highway competitions and are only incidentally operated on public highways. Nothing contained herein, however, shall be deemed to apply to or prohibit the use of non-motorized bicycles.

OPERATE

To ride in or on, other than as a passenger, or use or control, the operation of an off-road vehicle in any manner, whether or not said off-road vehicle is in motion or under way.

PUBLIC HIGHWAY

Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

§ 169-2 Restrictions.

- A. Public Property. No person shall operate an off-road vehicle on a public highway or on any public property in the City of Rensselaer.

- B. Private Property. No person shall operate an off-road vehicle on private property in the City of Rensselaer unless such person has first obtained the express consent of the owner or legal occupant of such property to operate the off-road vehicle on the property. There shall be a rebuttable presumption that the operator of an off-road vehicle on private property in the City of Rensselaer lacks consent to operate the off-road vehicle on private property.

§ 169-3 Penalties for offenses; impoundment and redemption.

- A. Any person who operates an off-road vehicle in violation of § 169-2 (A) or (B) of this Chapter shall be guilty of an offense punishable by a fine not to exceed \$650 or imprisonment not to exceed 15 days, or both.

In addition to the penalties set forth in subsection (A) of this section, a police officer may immediately impound an off-road vehicle that has been operated in violation of § 169-2 (A) or (B) of this Chapter. Such impounded off-road vehicle shall be stored by the pertinent police department or enforcement agency pending the identification of the owner of such off-road vehicle as registered with the New York State Department of Motor Vehicles. Such title owner shall be sent notice of such impoundment at the address on file with the New York State Department of Motor Vehicles by certified mail within five days after the impoundment. Neither the police department impounding such off-road vehicle, nor the City of Rensselaer, nor any agent nor employee thereof, shall be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the off-road vehicle operated in violation of § 169-2 (A) or (B) of this Chapter may redeem such off-road vehicle upon satisfactory proof of ownership and payment of a redemption fee of \$2,350.00. An off- road vehicle impounded under this subsection shall only be released to the owner of such off-road vehicle, or to such owner's agent as evidenced by a written, notarized proof of agency, or duly executed power of attorney, after full payment of the required redemption fee in certified or bank funds. The owner of such vehicle or his agent may, within 60 days from the date of impounding, redeem the vehicle by paying to the Chief of Police the sum of \$70 for towing or hauling, and storage charges not exceeding \$20 per day for each day impounded. Such owner or agent shall also sign a written receipt for such vehicle. Said sums shall be in addition to any bond required for the violation for which the vehicle was towed, in addition to the redemption fee established in this Chapter, and in addition to any outstanding fines due for parking, stopping or standing violations.

§ 169-4 Unclaimed vehicles; public auction.

Whenever any vehicle which has been impounded by the Department of Police remains in the possession of the Department unclaimed by any person having the right to the possession of such vehicle for a period of 60 days, such vehicles may be: (a) sold under the direction of the Purchasing Agent, at public auction, to the highest bidder, after notice of such auction has been given for not less than one week, by one publication in the official newspaper of the City of Rensselaer; (b) sold for scrap; or (c) destroyed.

§ 169-5 Enforcement.

The Chief of Police is charged with the enforcement of the provisions of this Chapter.

§ 169-6 Severability.

If any clause, sentence, paragraph or part of this Chapter or application thereof to any person or circumstances shall be judged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons or circumstances directly involved in the controversy in which the judgment shall have been rendered.

Section 2. This local law shall take effect upon final passage, public hearing, and filing with the Secretary of State.

By Alderperson : Eric Endres

Seconded by Alderperson : _____

RESOLUTION APPROVING CURB CUT FOR 211 Washington Avenue– BUILDING DEPARTMENT

WHEREAS, pursuant to an Application for Building Permit filed by Jennifer Brown for Curb Cut 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 211 Washington Avenue 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 ____ day of _____, 202_

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 : Bryan Leahey
Seconded by Alderperson : Council as a Whole

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**A Resolution Urging the Department of Environmental Conservation to Revoke
the Operating Permit for the Dunn Landfill**

WHEREAS, the S. A. Dunn & Company, LLC, located on Partition Street Extension in the City of Rensselaer, possesses a Mined Land Reclamation Permit for operation of an existing 73-acre sand and gravel mine, and a Solid Waste Management Permit authorizing conversion of the mine to a construction and demolition disposal site; and

WHEREAS, the Dunn Landfill received a Department of Environmental Conservation (DEC) permit to operate in July 2012 and began accepting debris for disposal in January 2015; and

WHEREAS, in December 2018, the DEC started to receive an increasing number of complaints and concerns associated with the landfill, including: odors and air quality impacts from landfill gas; dust, debris, and particulate matter due to construction and general operations and from the vehicular truck traffic to and from the facility; and the facility's proximity to residences and the City of Rensselaer's public school campus; and

WHEREAS, within the City of Rensselaer, residents living within close proximity of the Dunn Landfill have expressed concern about significant dust settling on their windowsills and outdoor furniture; have reported malodors that prevent residents from remaining outside; and have stated the noise from trucks has disrupted their quality of life; and

WHEREAS, in August 2018 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during January and February 2018; in February 2019 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during October 2018; in June 2019 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during April 2019; and

WHEREAS, on October 10, 2019 the DEC issued a Department Initiated Modification (DIM) to include specific and stringent conditions to protect public health and safety that the Dunn facility must undertake in order to continue operating; and

WHEREAS, the DIM conditions include installing and operating a robust gas collection system, covering disposed waste daily, constructing a berm before the construction of a new waste cell, and establishing a hotline to report complaints; and the DEC conducts air

monitoring at the school campus and other nearby locations to measure air quality impacts, including measuring levels of hydrogen sulfide and particulates; conducts routine inspections of operations at the landfill; requires the facility to fund a full-time monitor to provide daily oversight of the landfill operations; modifies the facility's permit to improve collection and management of gas, requires cover of waste on a daily basis, and establishes mandatory complaint investigation protocols; and

WHEREAS, it has been urged in the past that the Department of Environmental Conservation hold the Dunn landfill operators responsible for implementing controls to prevent dust, odors, and truck noise, to ensure that residents in the City of Rensselaer are not exposed to any potential health or safety hazards, and to recognize that failure of the facility to comply with the DIM should result in DEC revocation of the facility's permits; and

WHEREAS, while the progressive actions enacted by the DEC have been responsive to the community concerns, the residents of City of Rensselaer assume health, safety, environmental, and quality of life risks associated with the continued and ongoing operations of the Dunn Landfill, and residents have indicated that the responsive actions have not resulted in the complete elimination of dust, odor, and truck noise impacting their quality of life;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Rensselaer urges the DEC, responsible for protecting public health and safety and for the protection of air, water, and natural resources within the State of New York, to revoke the facility's operating permits and not permit renewal of use; and

BE IT FURTHER RESOLVED, that the Common Council directs the City Clerk to send a certified copy of this resolution to Governor Andrew M. Cuomo and Basil Seggos, Commissioner of the Department of Environmental Conservation.

Approved as to form and sufficiency
this ___ day of _____, 2021.

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				