

**TROY CITY COUNCIL
FINANCE MEETING AGENDA
July 12TH, 2023
5:30 P.M.**

Pledge of Allegiance
Roll Call
Presentation of Agenda
Public Forum

RESOLUTIONS

65. Resolution Authorizing An Investigation Of The Unsafe Conditions Of The Structures At The Harbour Point Gardens Apartment Complex That Necessitated An Emergency Evacuation Of More Than 50 Apartments And The Response Of The Landlord, 182 Delaware Llc, To The Emergency (Council President Mantello) (At The Request Of The Administration)

**RESOLUTION AUTHORIZING AN INVESTIGATION OF THE UNSAFE
CONDITIONS OF THE STRUCTURES AT THE HARBOUR POINT GARDENS
APARTMENT COMPLEX THAT NECESSITATED AN EMERGENCY EVACUATION
OF MORE THAN 50 APARTMENTS AND THE RESPONSE OF THE LANDLORD, 182
DELAWARE LLC, TO THE EMERGENCY**

WHEREAS, under Part 2, Article V, Section C-16 of the Troy City Charter, the City Council may, as a committee of the whole and pursuant to a resolution duly adopted, exercise its investigative powers to conduct a public inquiry into any matter related to the affairs of the City; and

WHEREAS, on June 22, 2023, based on the advice and recommendations of a City-retained engineer, Mayor Madden declared a public emergency pursuant to § C-40 of the City Charter in relation to the threat of imminent harm to life and property from failing and falling brick facades at Harbour Point Gardens, a private apartment complex located at 138-188 Delaware Avenue, Troy, New York, owned by 182 Delaware LLC, a New Jersey based limited liability corporation; and

WHEREAS, the perilous conditions that necessitated the declaration of public emergency have resulted in the evacuation of families from over 50 apartment units in these unsafe structures, causing great hardship, distress, and expense to displaced residents, as well as requiring the City to expend public funds and mobilize public resources to protect lives and property because of the threat to public safety at Harbour Point Gardens; and

WHEREAS, in order to fulfill its legislative responsibilities, the City Council desires to inquire into the causes and potential resolution of this public emergency, including the conditions and habitability of Harbour Point Gardens and the conduct of the landlord in relation thereto and, if deemed advisable, to report its findings to the public.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, acting as a committee of the whole, will conduct a public inquiry, investigate, and take testimony regarding the unsafe conditions of the structures at the Harbour Point Gardens apartment complex that necessitated an emergency evacuation of more than 50 apartments and the response of the landlord, 182 Delaware LLC, to the emergency; and

BE IT FURTHER RESOLVED, that the procedures for the scheduling and conduct of the investigation shall be the City Council's Rules of Order, including Robert's Rules of Order as incorporated by reference therein, except that witnesses appearing before the Council shall testify under oath administered by the City Clerk; and

BE IT FURTHER RESOLVED, that in furtherance of this investigation, the City Council may authorize the Council President by a 2/3 majority vote to subpoena specific persons or records or both, the form of the subpoena to be in substantial conformity with the subpoena attached as an exhibit hereto; and

BE IT FURTHER RESOLVED, that the City Clerk may employ a reputable process server or the Secretary of State or both to serve an authorized subpoena issued by the Council President.

Approved as to form, _____

Richard T. Morrissey, Corporation Counsel

WITNESS THIS SUBPOENA TO TESTIFY ISSUED IN THE NAME OF THE CITY COUNCIL OF THE CITY OF TROY, NEW YORK, AND THE PEOPLE OF THE STATE OF NEW YORK

TO: 182 Delaware, LLC, 198 Central Avenue, Suite 2A, East Orange, New Jersey 07018

FROM: Carmella Mantello, Troy City Council President

RE: Harbour Point Gardens, 138-188 Delaware Avenue, Troy, New York

DATE:

PLEASE TAKE NOTICE that, pursuant to a resolution duly adopted under Troy City Charter § C-16 by a 2/3 majority vote of the Troy City Council convened as a committee of the whole:

YOU ARE HEREBY COMMANDED to appear in person and give testimony under oath at a meeting of the City Council of the City of Troy, New York, to be held at City Council Chambers, 433 River Street, Fifth Floor, Troy, New York on

_____, at _____, and on all other subsequent duly adjourned dates.

PLEASE TAKE FURTHER NOTICE that the purpose of the meeting is to investigate and conduct a public inquiry concerning the condition and habitability of the above-referenced real property owned by you and located within the City of Troy.

PLEASE TAKE FURTHER NOTICE that, under Troy City Charter § C-16, any person who unlawfully fails or refuses to obey a lawfully issued subpoena pursuant to this section shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year or both.

If you have questions or concerns about this subpoena, you may contact the issuer identified below.

TROY CITY COUNCIL

By: _____

Carmella Mantello
Troy City Council President
c/o City Clerk
433 River Street, Fifth Floor
Troy, New York 12180
518-279-7134