

1. 08 24 Special Agenda

Documents:

[08 24 SPECIAL AGENDA.PDF](#)

2. 08 24 Special Meeting Signed Legislation

Documents:

[08 24 SPECIAL MEETING SIGNED LEGISLATION.PDF](#)

**TROY CITY COUNCIL  
SPECIAL MEETING AGENDA  
August 24<sup>th</sup>, 2023  
7:30 P.M.**

Pledge of Allegiance  
Roll Call  
Presentation of Agenda  
Public Forum\*

**RESOLUTIONS**

87. Resolution Authorizing Issuance Of Subpoenas To Testify Before The Troy City Council In The Matter Of 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)  
**Pending Finance Approval**

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**\*PUBLIC FORUM**

**RESOLUTION AUTHORIZING ISSUANCE OF SUBPOENAS TO TESTIFY BEFORE THE TROY CITY COUNCIL IN THE MATTER OF 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**

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**WHEREAS**, under the authority of Part 2, Article V, Section C-16 of the Troy City Charter by duly enacted Resolution 2023-65, the Troy City Council authorized itself to conduct a public inquiry as a committee of the whole into the unsafe conditions of the structures at the Harbour Point Gardens apartment complex that necessitated the emergency evacuation of more than 50 apartments and the response of the landlord, 182 Delaware LLC; and

**WHEREAS**, on July 20, 2023, the City Council held an initial public hearing on this matter and took testimony from witnesses who appeared voluntarily; and

**WHEREAS**, the City Council desires to inquire further 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 to the emergency and the displacement of more than 100 tenants, and if deemed advisable to report its findings to the public and to legislate for the safety of the public.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Troy, acting as a committee of the whole and by a 2/3 majority vote in accordance with Section C-16 of the Troy City Charter does hereby authorize the City Council President to issue subpoenas to the following individuals to appear and testify at a further hearing to be publicly noticed by the Clerk and upon the subpoenas:

Jay Friedman  
Sam Schwartz  
Rob Howard  
Victor Mandel  
Mike Evangelista

**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 the City Clerk may employ a reputable process server or the Secretary of State or both, or any other suitable person, to serve a subpoena authorized to be issued by the Council President; and

**BE IT FURTHER RESOLVED**, that the City Clerk shall tender or cause to be tendered the appropriate witness fees and mileage expenses to subpoenaed persons at the time of service of the subpoena.

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:**

**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 authority of General City Law § 20(21) and Troy City Charter § C-16, the Troy City Council convened as a committee of the whole has duly adopted a Resolution by a 2/3 majority vote authorizing this Subpoena wherein:

**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 causes and potential resolution of the public emergency that required the evacuation of more than 50 apartment units at Harbour Point Gardens, including the conditions and habitability of the buildings and units and the conduct of the landlord in response to the emergency and the displacement of more than 100 tenants from Harbour Point Gardens, which is located within the City of Troy at 138-188 Delaware Avenue.

**PLEASE TAKE FURTHER NOTICE** that, under Civil Practice Law and Rule § 2308 (b), if a person fails to comply with a subpoena which is not returnable in a court, the issuer or the person on whose behalf the subpoena was issued may move in the supreme court to compel compliance. If the court finds that the subpoena was authorized, it shall order compliance and may impose costs not exceeding fifty dollars. A subpoenaed person shall also be liable to the person on whose behalf the subpoena was issued for a penalty not exceeding fifty dollars and damages sustained by reason of the failure to comply. 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



## CERTIFICATION

I, Maria DeBonis, City Clerk to the City Council of the City of Troy, located in the County of Rensselaer, State of New York, do hereby certify that the attached is an official document of the Troy City Council, the original of which is on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the City of Troy on September 8, 2023.

  
\_\_\_\_\_  
Maria DeBonis  
City Clerk  
City of Troy, New York

(SEAL)

**RESOLUTION AUTHORIZING ISSUANCE OF SUBPOENAS TO TESTIFY BEFORE THE TROY CITY COUNCIL IN THE MATTER OF 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**

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**WHEREAS**, on July 20, 2023, the City Council held an initial public hearing on this matter and took testimony from witnesses who appeared voluntarily; and

**WHEREAS**, the City Council desires to inquire further 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 to the emergency and the displacement of more than 100 tenants, and if deemed advisable to report its findings to the public and to legislate for the safety of the public.

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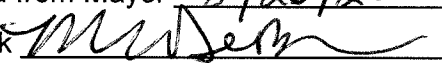
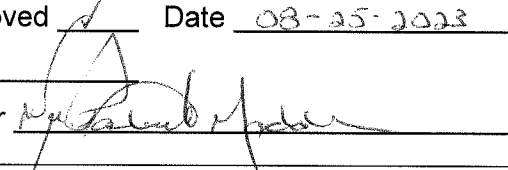
**AND BE IT FURTHER RESOLVED**, that the procedures for the scheduling and conduct of the investigation shall be the City Council's Rules of Order, including Robert's Rules of Order as incorporated by reference therein, except that witnesses appearing before the Council shall testify under oath administered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

**BE IT FURTHER RESOLVED**, that the City Clerk may employ a reputable process server or the Secretary of State or both, or any other suitable person, to serve a subpoena authorized to be issued by the Council President; and

**BE IT FURTHER RESOLVED**, that the City Clerk shall tender or cause to be tendered the appropriate witness fees and mileage expenses to subpoenaed persons at the time of service of the subpoena.

Approved as to form, Aug 28, 2023

  
Richard T. Morrissey, Corporation Counsel

<b>AYES: 5</b>	<b>NOS: 0</b>	<b>ABSTAIN: 0</b>	<b>ABSENT: 2 (Steele, Figueroa)</b>
<b>Troy City Clerk</b>		<b>Executive Action</b>	
Sent to Mayor <u>August 25, 2023</u>	Approved <u><input checked="" type="checkbox"/></u>	Date <u>08-25-2023</u>	
Received from Mayor <u>8/28/23</u>	Veto <u><input type="checkbox"/></u>		
City Clerk <u></u>	Mayor <u></u>		



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**TO:**

**FROM:** Carmella Mantello, Troy City Council President

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

**DATE:**

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\_\_\_\_\_, 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 causes and potential resolution of the public emergency that required the evacuation of more than 50 apartment units at Harbour Point Gardens, including the conditions and habitability of the buildings and units and the conduct of the landlord in response to the emergency and the displacement of more than 100 tenants from Harbour Point Gardens, which is located within the City of Troy at 138-188 Delaware Avenue.

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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

TROY CITY COUNCIL VOTING RECORD  
Special Meeting - August 24, 2023

Ordinance No. \_\_\_\_\_

Resolution No. 87

Local Law No. \_\_\_\_\_

Introduced by Mantello at the request of the Administration

Motion/Second: JG/IS

	Absent	Approve			Table		Amend	
		Aye	No	Abstain	Aye	No	Aye	No
Council Member Gulli	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Figueroa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Steele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Menn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Conley-Wilson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sorriento	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council President Mantello	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS		<u>5</u>	—	—	—	—	—	—

Motion to Table/Second: \_\_\_\_\_

Motion to Amend/Second: \_\_\_\_\_

Amendment: