

# **County of Albany**

112 State Street  
Albany, NY 12207



## **Meeting Agenda**

**Monday, July 13, 2020**

**7:15 PM**

**Held Remotely**

**County Legislature**

**Call to Order**

**Roll Call**

**PREVIOUS BUSINESS:**

192. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2020

**Sponsors:** Joyce and Peter

194. A RESOLUTION AMENDING RESOLUTION 283 FOR 1992, AS SUBSEQUENTLY AMENDED, TO RESTORE THE COMMITTEE TO FILL VACANCIES IN RESPONSE TO THE COVID-19 RELATED HEALTH EMERGENCY AND UNCERTAINTY IN THE BUDGETARY REALITIES CAUSED BY THE CURRENT GLOBAL PANDEMIC.

**Sponsors:** Joyce, Peter, O'Brien, Ricard and Willingham

215. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "D" FOR 2020

**Sponsors:** Bruschi, Joyce, Feeney, Beston, Chapman, Clay, Cleary, Efekoro, Ethier, Fein, Joyce, Kuhn, Lekakis, Mayo, McLaughlin, Miller, O'Brien, Peter, Reidy, Reinhardt, Ricard, Smith, Ward and Willingham

**CURRENT BUSINESS:**

219. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE COALITION AGAINST SEXUAL ASSAULT REGARDING THE SEXUAL ASSAULT SERVICES PROGRAM

**Sponsors:** Law Committee

220. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE STATEWIDE EXPANSION OF THE HURRELL-HARRING SETTLEMENT AND AMENDING THE 2020 ALBANY COUNTY BUDGET

**Sponsors:** Law Committee and Audit and Finance Committee

221. AMENDING RESOLUTION NO. 309 FOR 2019 REGARDING HOME DELIVERED MEAL ASSESSMENTS

**Sponsors:** Elder Care Committee

222. AUTHORIZING AN AGREEMENT WITH CORETACTICS HEALTHCARE CONSULTING, INC. REGARDING NURSE CONSULTING SERVICES FOR SHAKER PLACE REHABILITATION AND NURSING CENTER

**Sponsors:** Elder Care Committee

223. AUTHORIZING AN AGREEMENT WITH MUNICIPAL EMERGENCY SERVICES TO SUPPORT LOCAL EMERGENCY RESPONSE TEAMS THAT PROVIDE TECHNICAL RESCUE AND URBAN SEARCH AND RESCUE SERVICES

**Sponsors:** Public Safety Committee

224. AMENDING THE 2020 DEPARTMENT OF AUDIT AND CONTROL BUDGET: ADMINISTRATIVE ADJUSTMENTS

**Sponsors:** Audit and Finance Committee

225. AUTHORIZING AN AGREEMENT WITH HORAN, MARTELLO AND MORRONE, CPAS, LLP REGARDING ONGOING ACCOUNTING AND CONSULTING SERVICES AT SHAKER PLACE REHABILITATION AND NURSING CENTER

**Sponsors:** Audit and Finance Committee

226. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS REGARDING THE COMPREHENSIVE OPIOID, STIMULANT, AND SUBSTANCE ABUSE PROGRAM

**Sponsors:** Audit and Finance Committee

227. AUTHORIZING THE DISTRIBUTION OF MORTGAGE TAXES FOR THE PERIOD OCTOBER 1, 2019 THROUGH MARCH 31, 2020

**Sponsors:** Audit and Finance Committee

228. RESCINDING THE AUTHORIZATION TO CONVEY REAL PROPERTY PURSUANT TO RESOLUTION NO. 251 FOR 2019 AS AMENDED AND AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 182 BREVATOR STREET (TAX MAP NO. 53.82-1-9) IN THE CITY OF ALBANY

**Sponsors:** Audit and Finance Committee

229. AMENDING RESOLUTION NO. 506 FOR 2017 AND RESCINDING THE AUTHORIZATION TO CONVEY 36 TEN BROECK PLACE (TAX MAP NO. 65.74-4-30) IN THE CITY OF ALBANY

**Sponsors:** Audit and Finance Committee

230. AMENDING RESOLUTION NO. 271 FOR 2018 AND RESCINDING THE AUTHORIZATION TO CONVEY 349 ORANGE STREET (TAX MAP NO. 65.64-3-32) IN THE CITY OF ALBANY

**Sponsors:** Audit and Finance Committee

231. AMENDING RESOLUTION NO. 398 FOR 2019 AND RESCINDING THE AUTHORIZATION TO CONVEY 56 HARRISON AVENUE (TAX MAP NO. 86.13-4-41) IN THE TOWN OF BETHLEHEM

**Sponsors:** Audit and Finance Committee

232. AMENDING RESOLUTION NO. 69 FOR 2020 AND RESCINDING THE AUTHORIZATION TO CONVEY 158 STATE ROUTE 143 (TAX MAP NO. 140.-1.14-1) IN THE TOWN OF WESTERLO

**Sponsors:** Audit and Finance Committee

233. AUTHORIZING AN AGREEMENT WITH MOHAWK HUDSON LAND CONSERVANCY FOR THE DONATION AND INSTALLATION OF ART ON THE ALBANY COUNTY RAIL TRAIL NEAR VOORHEESVILLE

**Sponsors:** Public Works Committee

234. AUTHORIZING AN AGREEMENT WITH HOPE HOUSE, INC. REGARDING RESIDENTIAL TREATMENT SERVICES FOR WOMEN WITH CHILDREN

**Sponsors:** Social Services Committee

235. AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH MEYERS AND STAUFFER, LLC FOR AUDITING SERVICES REGARDING MEDICAID FRAUD, WASTE AND ABUSE

**Sponsors:** Social Services Committee

236. AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION REGARDING THE HOME ENERGY ASSISTANCE PROGRAM (HEAP)

**Sponsors:** Social Services Committee

237. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2020

**Sponsors:** Joyce

238. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2020

**Sponsors:** Joyce

239. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "G" FOR 2020

**Sponsors:** Joyce

240. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "H" FOR 2020

**Sponsors:** Peter

241. PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NOS. 1, 2 AND 3

**Sponsors:** Joyce

242. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "C" FOR 2020

**Sponsors:** Joyce

243. AN ACT TO MODIFY THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES

**Sponsors:** Mauriello, Burgdorf, Grimm, Drake, Lockart, Tunny, Langdon, Whalen and Perlee

LOCAL LAWS:

LOCAL LAW NO. "E" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, IMPOSING AN ADDITIONAL ONE PERCENT RATE OF TAX ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

**Sponsors:** Joyce

LOCAL LAW NO. "F" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY

**Sponsors:** Joyce

LOCAL LAW NO. "G" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ENACTING A MORTGAGE RECORDING TAX PURSUANT TO SECTION 253-p OF THE TAX LAW OF THE STATE OF NEW YORK

**Sponsors:** Joyce

LOCAL LAW NO. "H" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, REPEALING LOCAL LAW 1 FOR 2016 AND PROHIBITING THE USE AND SALE OF SPARKLING DEVICES

**Sponsors:** Peter, Joyce, Ward, Joyce and Ricard

**Adjournment**

**RESOLUTION NO. 192**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2020**

Introduced: 5/11/20

By Messrs. A. Joyce and Peter:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "B" for 2020, "A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY" be held by the County Legislature remotely, with instructions available on the Albany County website, at 7:15 p.m. on Tuesday, July 28, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

*Referred to Conservation, Sustainability and Green Initiatives Committee – 5/11/20*

*Favorable Recommendation Conservation, Sustainability and Green Initiatives Committee – 6/30/20*

**RESOLUTION NO. 194**

**A RESOLUTION AMENDING RESOLUTION 283 FOR 1992, AS SUBSEQUENTLY AMENDED, TO RESTORE THE COMMITTEE TO FILL VACANCIES IN RESPONSE TO THE COVID-19 RELATED HEALTH EMERGENCY AND UNCERTAINTY IN THE BUDGETARY REALITIES CAUSED BY CURRENT THE GLOBAL PANDEMIC.**

Introduced: 05/11/20

By Messrs. A. Joyce, Peter, O'Brien, Ricard and Ms. Willingham:

WHEREAS, By Resolution No. 283 for 1992, the Albany County Legislature created a Committee to Fill Vacancies, consisting of a representative from the County Executive's Office, County Comptroller's Office and Office of Employee Relations to determine whether vacant positions then existing or coming into existence should be filled while the County faced a substantial shortfall in revenues generated from local sales taxes due to a national recession, and

WHEREAS, Those same harrowing economic realities exist today as a result of the COVID-19 related global pandemic, and

WHEREAS, As recently as last year, the County and nation were on better economic footing, which caused the previous review of the Committee to Fill Vacancies to lapse, and

WHEREAS, At this critical time, this Honorable Body believes it necessary to take into consideration potential revenue shortfalls prior to the filling of any vacant County positions, and

WHEREAS, This Honorable Body recognizes the need to hire employees to fill critical and necessary positions, however, before a position is available to be filled, the decision to hire needs to be reviewed and approved by the Committee to Fill Vacancies for its approval, and

WHEREAS, Meaningful review of salary lines can occur without the need to place an official freeze on hiring within the County, and

WHEREAS, To sensibly effect such a review and approval process, the Committee to Fill Vacancies, as originally envisioned and set forth, needs to be expanded to include oversight so that the Legislature might perform its budgetary responsibilities to determine whether continued funding of vacant positions is appropriate, now, therefore, be it

RESOLVED, By the Albany County Legislature that the Committee to Fill Vacancies as established in Resolution No. 283 for 1992, and as subsequently amended, is hereby reestablished to include a representative from the County Executive's Office,



County Comptroller's Office and Office of Employee Relations, as voting members, in addition to the Chairs of the Personnel and Audit & Finance Committees of the Legislature (or their designees) as ex officio non-voting members, so that they may closely monitor the fiscal impact of any vacant positions being filled within the County, and be it further

RESOLVED, That regarding personnel positions within the following budget accounts, elected officials are exempt from review of the Committee to Fill Vacancies: County Clerk under Budget Accounts A1410 and A1411; County Comptroller under Budget Account A1315 County Coroners under Budget Account A1185; District Attorney under Budget Account A1165; County Executive under Budget Account A1230; County Legislature under Budget Account A1010; and the County Sheriff under Budget Accounts A3020, A3110, and A3150, and be it further

RESOLVED, that in order to increase the information available to this Legislative Body so that the Legislature might perform its budgetary responsibilities to determine whether continued funding of vacant positions is appropriate, the reporting requirements of the Committee to Fill Vacancies are as follows: all County employee resignations, deaths, retirements, promotions or other circumstances resulting in a funded position being vacant are to be reported by the Committee to Fill Vacancies to the Leadership Group (consisting of the Chairman, Majority and Minority Leaders); the Committee to Fill Vacancies shall also provide to the Leadership Group copies of all requests to fill vacancies from Departments and agendas which shall be developed by the Committee with all back-up relating to each vacancy and proposed hiree, and be it further

RESOLVED, That the Committee to Fill Vacancies shall take into consideration the fiscal consequences of filling any vacant position until the realities of this economic restlessness are able to be realized, and be it further

RESOLVED, That within sixty days of the adoption of this resolution, the Committee to Fill Vacancies be and hereby is requested to report to the County Legislature the steps taken to reduce the fiscal impact associated with filling vacant positions, and be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Referred to Personnel and Audit and Finance Committees – 5/11/20*

*Favorable Recommendation Personnel Committee – 5/28/20*

*Favorable Recommendation Audit and Finance Committee – 5/28/20*

*Referred to Law Committee – 6/8/20*

*Favorable Recommendation Law Committee – 6/25/20*

**RESOLUTION NO. 215**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "D" FOR 2020**

Introduced: 6/8/20

By Messrs. Bruschi, A. Joyce, Feeney, Beston, Ms. Chapman, Messrs. Clay, Cleary, Efekoro, Ethier, Fein, R. Joyce, Kuhn, Ms. Lekakis, Mr. Mayo, Ms. McLaughlin, Messrs. Miller, O'Brien, Peter, Reidy, Reinhardt, Ricard, Smith, Ward and Ms. Willingham:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "D" for 2020, "A Local Law of the County of Albany, New York, Authorizing the County Executive To Negotiate A Lease Agreement of Property Owned By Albany County With The Shaker Heritage Society, Subject To The Approval of the Albany County Legislature", be held by the County Legislature in the Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, July 28, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

*Referred to Audit and Finance and Public Works Committees – 6/8/20*

*Favorable Recommendation Audit and Finance Committee – 6/25/20*

*Favorable Recommendation Public Works Committee – 6/30/20*

**RESOLUTION NO. 219**

**AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE COALITION AGAINST SEXUAL ASSAULT REGARDING THE SEXUAL ASSAULT SERVICES PROGRAM**

Introduced: 7/13/20  
By Law Committee:

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to enter into an agreement with the New York State Coalition Against Sexual Assault to accept Sexual Assault Services Program grant funding in the amount of \$9,041 for the term commencing July 1, 2020 and ending May 31, 2021, and

WHEREAS, The Director indicated that the funding will be used to provide clinical and court advocacy services to victims of sexual assault residing in Albany County with limited English proficiency, including refugees and immigrants, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the New York State Coalition Against Sexual Assault regarding the Sexual Assault Services Program in the amount of \$9,041 for the term commencing July 1, 2020 and ending May 31, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 220**

**AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE STATEWIDE EXPANSION OF THE HURRELL-HARRING SETTLEMENT AND AMENDING THE 2020 ALBANY COUNTY BUDGET**

Introduced: 7/13/20

By Law and Audit and Finance Committees:

WHEREAS, By Resolution No. 151, this Honorable Body authorized a five-year agreement with the New York State Office of Indigent Legal Services regarding the statewide expansion of the Hurrell-Harring settlement in the amount of \$26,264,402 for the term commencing April 1, 2018 and ending March 31, 2023, and

WHEREAS, The Albany County Executive, on behalf of the Public Defender, Alternate Public Defender, and Assigned Counsel Program, has requested authorization to amend the aforementioned agreement to reflect the finalized second year plan as approved by the New York State Office of Indigent Legal Services, and

WHEREAS, The Albany County Executive, on behalf of the Public Defender, Alternate Public Defender, and Assigned Counsel Program has also requested a budget amendment to reflect changes made during finalization process, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to amend the five-year agreement with the New York State Office of Indigent Legal services to reflect the finalized second year plan, and, be it further

RESOLVED, That the 2020 Albany County Budget is hereby amended as follows:

Decrease Appropriation Account A1170.4 by \$10,000 by decreasing Line Item A1170 4 4038 Travel Mileage Freight by \$10,000

Increase Appropriation Account A1170.4 by \$10,000 by increasing the following line items:

Increase Line Item A1170 4 4040 Books/Transcripts/Subscripts by \$5,000

Increase Line Item A1170 4 4300 Association Dues by \$5,000

Decrease Appropriation Account A1171.4 by \$6,500 by decreasing Line Item A1171 4 4046 Fees for Services by \$6,500

Increase Appropriation Account A1171.4 by \$6,500 by increasing Line Item A1171 4 4300 Association Dues by \$6,500

Decrease Appropriation Account A1172.1 by \$28,800 by decreasing Line Item A1172 1 9935 Law Intern Program by \$28,800

Decrease Appropriation Account A1172.4 by \$29,371 by decreasing Line Item A1172 4 4071 Property Repair and Rental by \$29,371

Increase Appropriation Account A1172.4 by \$58,171 by increasing the following line items:

Increase Line Item A1172 4 4306 Mentor Program by \$28,800

Increase Line Item A1172 4 4310 Second Chair Program by \$29,371

and, be it further

RESOLVED, That the County Attorney is authorized to approve said amendment as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 221**

**AMENDING RESOLUTION NO. 309 FOR 2019 REGARDING HOME DELIVERED MEAL ASSESSMENTS**

Introduced: 7/13/20

By Elder Care Committee:

WHEREAS, By Resolution No. 309 for 2019, this Honorable Body authorized an interdepartmental agreement between the Albany County Department for Aging and the Albany County Department of Social Services to provide home delivered meal assessments for seniors in Albany County, and

WHEREAS, The Commissioner of the Department for Aging has requested an amendment to the agreement with the Department of Social Services to reflect an additional amount of \$4,350 for a new total amount of \$56,850 for the provision of additional home delivered meal assessments, now, therefore, be it

RESOLVED, By the Albany County Legislature that Resolution No. 309 for 2019 is hereby amended in the amount of \$4,350 to reflect a new total amount of \$56,850 rather than \$52,500 for the term commencing April 1, 2019 and ending March 31, 2020 for the provision of additional home delivered meal assessments, and, be it further

RESOLVED, That the County Attorney is authorized to approve said amendment as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 222**

**AUTHORIZING AN AGREEMENT WITH CORETACTICS HEALTHCARE CONSULTING, INC. REGARDING NURSE CONSULTING SERVICES FOR SHAKER PLACE REHABILITATION AND NURSING CENTER**

Introduced: 7/13/20

By Elder Care Committee:

WHEREAS, By Resolution No. 465 for 2019, this Honorable Body authorized an agreement with Coretactics Healthcare Consulting, Inc. regarding nurse consulting services for Shaker Place Rehabilitation and Nursing Center in an amount not to exceed \$150,000 for the term commencing November 1, 2019 and ending October 31, 2020, and

WHEREAS, The Executive Director of the Albany County Department of Residential Health Care Facilities has requested authorization to enter into the first of two one-year options to renew an agreement with Coretactics Healthcare Consulting, Inc. regarding nurse consulting services for Shaker Place Rehabilitation and Nursing Center in the amount of \$150,000 for the term commencing November 1, 2020 and ending October 31, 2021, and

WHEREAS, The Executive Director indicated that Coretactics Healthcare Consulting, Inc. will provide education, monitoring, and supervision to ensure compliance with regulatory requirements, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Coretactics Healthcare Consulting, Inc., Albany, NY 12205 regarding nurse consulting services for Shaker Place Rehabilitation and Nursing Center in an amount not to exceed \$150,000 for the term commencing November 1, 2020 and ending October 31, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 223**

**AUTHORIZING AN AGREEMENT WITH MUNICIPAL EMERGENCY SERVICES TO SUPPORT LOCAL EMERGENCY RESPONSE TEAMS THAT PROVIDE TECHNICAL RESCUE AND URBAN SEARCH AND RESCUE SERVICES**

Introduced: 7/13/20

By Public Safety Committee:

WHEREAS, Pursuant to Resolution No. 506 for 2019, this Honorable Body authorized an agreement with the New York State Division of Homeland Security and Emergency Services regarding grant funding for the 2018 Technical Rescue and Urban Search and Rescue Program in the amount of \$149,973 with no County match, for a term commencing October 1, 2019 and ending August 31, 2021, and

WHEREAS, The Sheriff has requested authorization to enter into an agreement with Municipal Emergency Services using these grant funds to enhance and maintain the capabilities of local emergency response teams that provide Technical Rescue and Urban Search and Rescue services, in an amount not to exceed \$122,382 for a term commencing October 1, 2019 and ending August 31, 2021, and

WHEREAS, The Sheriff's Office, through the County Purchasing Agent, issued a request for bids regarding the use of the grant funding and two bids were received, and

WHEREAS, The Sheriff's Office reviewed said bids and recommended awarding the contract to Municipal Emergency Services as the lowest responsible bidder, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Municipal Emergency Services, Poughkeepsie, NY 12603 to use grant funds to enhance and maintain the capabilities of local emergency response teams that provide Technical Rescue and Urban Search and Rescue services, in an amount not to exceed \$122,382 for a term commencing October 1, 2019 and ending August 31, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.



**RESOLUTION NO. 224**

**AMENDING THE 2020 DEPARTMENT OF AUDIT AND CONTROL BUDGET:  
ADMINISTRATIVE ADJUSTMENTS**

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, The Albany County Comptroller has requested to amend the 2020 Department of Audit and Control Budget to eliminate and reduce salaries for some positions, increasing salaries commensurate with duties and adding a staff accountant, and

WHEREAS, The Comptroller has indicated that the budget amendment will provide the department with appropriate staffing level salaries necessary to continue its operations at the highest level, now, therefore be it

RESOLVED, By the Albany County Legislature that the 2020 Department of Audit and Control Budget is amended as follows:

Decrease Appropriation Account A1315.1 by \$65,282 by decreasing the following line items:

Decrease Line Item A1315 1 5511 041 Technical Writer by \$30,219

Decrease Line Item A1315 1 2523 043 Auditor PT by \$12,544

Decrease Line Item A1315 1 2521 006 Auditor by \$22,082

Decrease Line Item A1315 1 6401 022 by \$437

Increase Appropriation Account A1315.1 by \$65,282 by creating and increasing the following line items:

Create and Increase Line Item A1315 1 2515 063 Senior Auditor by \$26,190 for an annual salary of \$52,379

Create and Increase Line Item A1315 1 2514 060 Staff Accountant by \$36,000 for an annual salary of \$72,000

Increase Line Item A1315 1 2557 047 Confidential Assistant Legislature by \$3,092 with an annual salary of \$60,000

and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 225**

**AUTHORIZING AN AGREEMENT WITH HORAN, MARTELLO AND MORRONE, CPAS, LLP REGARDING ONGOING ACCOUNTING AND CONSULTING SERVICES AT THE SHAKER PLACE REHABILITATION AND NURSING CENTER**

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, By Resolution No. 443 for 2016, this Honorable Body authorized an agreement with Horan, Martello and Morrone, CPAs LLP, for accounting and consulting services at the Shaker Place Rehabilitation and Nursing Center for a three year term commencing October 3, 2016 and ending October 2, 2019, with two optional consecutive one year renewals, in an amount not to exceed \$133,500, and

WHEREAS, By Resolution No. 283 for 2019, this Honorable Body authorized a renewal agreement with Horan, Martello and Morrone, CPAs LLP, for the first year of the optional one year agreement commencing November 1, 2019 and ending October 31, 2020, in an amount not to exceed \$44,500, and

WHEREAS, The Executive Director of the Residential Healthcare Facility has requested authorization to renew the contract and enter into the second year of the optional one year agreements with Horan, Martello and Morrone, CPAs LLP, for accounting and consulting services related to Medicaid and Medicare programs for the Shaker Place Rehabilitation and Nursing Center, including cost reporting, variance reports and training of staff for a term commencing November 1, 2020 and ending October 31, 2021, in an amount not to exceed \$44,500, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized enter into the second year of the optional one year agreements with Horan, Martello and Morrone, CPAs LLP, Hauppauge, New York 11788 for accounting and consulting services related to Medicaid and Medicare programs for the Shaker Place Rehabilitation and Nursing Center, commencing November 1, 2020 and ending October 31, 2021, in an amount not to exceed \$44,500, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 226**

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS REGARDING THE COMPREHENSIVE OPIOID, STIMULANT, AND SUBSTANCE ABUSE PROGRAM**

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, The County Executive has requested authorization to submit a grant application for the amount of \$898,062 to the United States Department of Justice, Office of Justice Programs regarding the Comprehensive Opioid, Stimulant, and Substance Abuse Program, and

WHEREAS, The County Executive has indicated that such funding would be used to support Albany LEAD (Law Enforcement Assisted Diversion) program's new initiative, "Growing LEAD: Increasing Operational Capacity to Improve and Expand Service in Albany County" by adding case managers, a full time Project Director and a Community Engagement and Outreach Coordinator to improve coordination between partners and the public, increase public awareness and develop policies and procedures to better serve LEAD communities, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application for the amount of \$898,062 to the United States Department of Justice, Office of Justice Programs regarding the Comprehensive Opioid, Stimulant, and Substance Abuse Program, and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant application as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

RESOLUTION NO. 227

AUTHORIZING THE DISTRIBUTION OF MORTGAGE TAXES FOR THE PERIOD OCTOBER 1, 2019 THROUGH MARCH 31, 2020

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, The joint report of the Albany County Division of Finance and the County Clerk of Albany County showing the collection of mortgage taxes for the period of October 1, 2019 through March 31, 2020 shows the Albany County Division of Finance has on hand for distribution the sum of \$3,693,946.39 which has been apportioned in the following manner:

Cities and Towns

City of Albany	\$786,405.35
City of Cohoes	138,831.60
City of Watervliet	56,666.52
Town of Berne	22,984.10
Town of Bethlehem	552,249.89
Town of Coeymans	81,122.30
Town of Colonie	1,253,617.32
Town of Green Island	13,588.01
Town of Guilderland	433,033.99
Town of Knox	25,189.35
Town of New Scotland	139,416.63
Town of Rensselaerville	23,397.59
Town of Westerlo	<u>32,742.54</u>
TOTAL	\$3,559,245.19

and

WHEREAS, Said report for the same period shows apportionment to the Towns of Coeymans, Colonie, Green Island, Guilderland and New Scotland, which pursuant to law, is required to be apportioned as between the said towns and villages therein, and the said officers have apportioned the same in the following manner:

Villages

Village of Ravena	\$13,715.83
Village of Colonie	55,665.34
Village of Menands	33,989.44
Village of Green Island	4,529.34
Village of Altamont	8,154.73

Village of Voorheesville

TOTAL

18,646.52

\$134,701.20

now, therefore be it

RESOLVED, By the County Legislature of the County of Albany, that the Clerk of the County Legislature is directed to draw a warrant requiring the Director of Finance to pay to the City Treasurer of each of the cities named the amounts apportioned thereto, and to the Supervisors of the several towns, the amount due said towns, and to the Village Treasurers of said villages, the amounts apportioned thereto, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

## RESOLUTION NO. 228

### RESCINDING THE AUTHORIZATION TO CONVEY REAL PROPERTY PURSUANT TO RESOLUTION NO. 251 FOR 2019 AS AMENDED AND AUTHORIZING THE CONVEYANCE OF 182 BREVATOR STREET (TAX MAP NO. 53.82-1-9) IN THE CITY OF ALBANY

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, By Resolution No. 271 for 2018, this Honorable Body authorized the conveyance of various parcels of real property acquired through in rem foreclosure located in the City of Albany to the Albany County Land Bank Corporation (the "Land Bank"), including 182 Brevator Street (Tax Map No. 53.82-1-9) in the City of Albany, and

WHEREAS, By Resolution No. 251 for 2019, as amended by Resolution No. 347 for 2019, this Honorable Body authorized the conveyance of a parcel of real property located at 182 Brevator Street (Tax Map No. 53.82-1-9) in the City of Albany to the Spiritual Center for Human Development of Rev. Clara P. Galus, the immediate former owner, and

WHEREAS, The County has received notice that immediate former owner has withdrawn their intent to reacquire the property, and

WHEREAS, The Albany County Land Bank Corporation (Land Bank) has expressed an interest in acquiring this parcel of real property to carry out its mission to revitalize and build communities, and

WHEREAS, It is in the best interests of County taxpayers to support the Land Bank in its efforts to develop affordable housing as a means to stabilize the neighborhood, encourage further development and return properties to the tax rolls, and

WHEREAS, The Albany County Real Property Disposition Plan, adopted by Resolution No. 29 for 2019, implemented procedures for properties to be sold to The Albany County Land Bank, now, therefore be it

RESOLVED, By the Albany County Legislature, that Resolution Nos. 251 and 347 for 2019 are hereby rescinded, and be it further

RESOLVED, That the County Executive is authorized to execute on behalf of the County any documents necessary to convey 182 Brevator Street (Tax Map No. 53.82-1-9) in the City of Albany to the Land Bank, and be it further

RESOLVED, That the County Attorney is authorized to approve said conveyance as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 229**

**AMENDING RESOLUTION NO. 506 FOR 2017 AND RESCINDING THE AUTHORIZATION TO CONVEY 36 TEN BROECK PLACE (TAX MAP NO. 65.74-4-30) IN THE CITY OF ALBANY**

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, By Resolution No. 506 for 2017, this Honorable Body authorized the conveyance of various parcels of real property to the Albany County Land Bank Corporation (the "Land Bank"), and

WHEREAS, The Commissioner of the Department of Management and Budget has indicated that there are transcription errors in the spreadsheet provided, and has requested an amendment in order to accurately reflect the parcels to be transferred, and

WHEREAS, The Commissioner further requested that, due to a County Court Order vacating the "in rem" foreclosure against 36 Ten Broeck Place (Tax Map No. 65.74-4-30) in the City of Albany, the authorization to convey said parcel to the Land Bank be rescinded, and

WHEREAS, It is in the best interests of County taxpayers to support the Land Bank in its efforts to develop affordable housing as a means to stabilize the neighborhood, encourage further development and return properties to the tax rolls, and

WHEREAS, The Albany County Real Property Disposition Plan, adopted by Resolution No. 29 for 2019, implemented procedures for properties to be transferred to The Albany County Land Bank, now, therefore be it

RESOLVED, By the Albany County Legislature, that Resolution No. 506 for 2017 and the spreadsheet annexed thereto are hereby amended to reflect that parcels located at 24, 36 and 38 Ten Broeck Street shall reflect 24, 36 and 38 Ten Broeck Place, and, that the Tax Map number for 36 Ten Broeck Place shall reflect "65.74-4-30" rather than "65.74-4-3", and be it further

RESOLVED, That the authorization by Resolution No. 506 for 2017 to convey real property located at 36 Ten Broeck Place (Tax Map No. 65.74-4-30) in the City of Albany is hereby rescinded, and be it further

RESOLVED, By the Albany County Legislature that the County Executive is authorized to execute on behalf of the County any documents necessary to convey 24 Ten Broeck Place (Tax Map No. 65.74-4-36) and 38 Ten Broeck Place (Tax Map No.



65.74-4-29) in the City of Albany to the Albany County Land Bank Corporation, and, be it further

RESOLVED, That the County Attorney is authorized to approve said conveyances as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate officials of the Albany County Land Bank and County Officials.

**RESOLUTION NO. 230**

**AMENDING RESOLUTION NO. 271 FOR 2018 AND RESCINDING THE AUTHORIZATION TO CONVEY 349 ORANGE STREET (TAX MAP NO. 65.64-3-32) IN THE CITY OF ALBANY**

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, By Resolution No. 271 for 2018, this Honorable Body authorized the conveyance of various parcels of real property to the Albany County Land Bank Corporation (the "Land Bank"), and

WHEREAS, The Commissioner of the Department of Management and Budget has indicated that a transcription error exists in the spreadsheet provided, and has requested an amendment in order to accurately reflect the parcels to be transferred, and

WHEREAS, The Commissioner further requested that, due to a County Court Order vacating the "in rem" foreclosure against 349 Orange Street (Tax Map No. 65.64-3-32) in the City of Albany, the authorization to convey said parcel to the Land Bank be rescinded, now, therefore be it

RESOLVED, By the Albany County Legislature, that Resolution No. 271 for 2018 and the spreadsheet annexed thereto are hereby amended by deleting all reference to 349 Orange Street (Tax Map No. 65.64-3-32) in the City of Albany, and be it further

RESOLVED, That the authorization by Resolution No. 271 for 2018 to convey real property located at 349 Orange Street (Tax Map No. 65.64-3-32) in the City of Albany is hereby rescinded pursuant to the aforementioned Court Order, and be it further

RESOLVED, That the County Attorney is authorized to approve said conveyances as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate officials of the Albany County Land Bank and County Officials.

**RESOLUTION NO. 231**

**AMENDING RESOLUTION NO. 398 FOR 2019 AND RESCINDING THE AUTHORIZATION TO CONVEY 56 HARRISON AVENUE (TAX MAP NO. 86.13-4-41) IN THE TOWN OF BETHLEHEM**

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, By Resolution No. 398 for 2019, this Honorable Body authorized the conveyance of various parcels of real property to the Albany County Land Bank Corporation (the "Land Bank"), and

WHEREAS, The Commissioner requested that, due to a County Court Order vacating the "in rem" foreclosure against 56 Harrison Avenue (Tax Map No. 86.13-4-41) in the Town of Bethlehem, the authorization to convey said parcel to the Land Bank be rescinded, now, therefore be it

RESOLVED, By the Albany County Legislature, that Resolution No. 398 for 2019 is hereby amended by rescinding the authorization to convey real property located at 56 Harrison Avenue (Tax Map No. 86.13-4-41) in the Town of Bethlehem consistent with the aforementioned Court Order, and be it further

RESOLVED, That the County Attorney is authorized to approve said conveyances as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate officials of the Albany County Land Bank and County Officials.

**RESOLUTION NO. 232**

**AMENDING RESOLUTION NO. 69 FOR 2020 AND RESCINDING THE AUTHORIZATION TO CONVEY 158 STATE ROUTE 143 (TAX MAP NO. 140.-1.14-1) IN THE TOWN OF WESTERLO**

Introduced: 7/13/20

By Audit and Finance Committee:

WHEREAS, By Resolution No. 69 for 2020, this Honorable Body authorized the conveyance of various parcels of real property to the Albany County Land Bank Corporation (the "Land Bank"), and

WHEREAS, The Commissioner of the Department of Management and Budget has indicated that an error exists in the spreadsheet provided, and has requested an amendment in order to accurately reflect the parcels to be transferred, and

WHEREAS, The Commissioner requested that, due to a County Court Order vacating the "in rem" foreclosure against 158 State Route 143 (Tax Map No. 140.-1.14-1) in the Town of Westerlo, the authorization to convey said parcel to the Land Bank be rescinded, now, therefore be it

RESOLVED, By the Albany County Legislature, that Resolution No. 69 for 2020 is hereby amended by rescinding the authorization to convey real property located at 158 State Route 143 (Tax Map No. 140.-1.14-1) in the Town of Westerlo consistent with the aforementioned Court Order, and be it further

RESOLVED, That the County Attorney is authorized to approve said conveyances as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate officials of the Albany County Land Bank and County Officials.

**RESOLUTION NO. 233**

**AUTHORIZING AN AGREEMENT WITH MOHAWK HUDSON LAND CONSERVANCY FOR THE DONATION AND INSTALLATION OF ART ON THE ALBANY COUNTY RAIL TRAIL NEAR VOORHEESVILLE**

Introduced: 7/13/20

By Public Works Committee:

WHEREAS, The Albany County Executive has requested authorization to enter into an agreement with the Mohawk Hudson Land Conservancy for the donation and installation of art on the Albany County Rail Trail in the vicinity of Voorheesville at no cost to the County, and

WHEREAS, The County Executive indicated that through fundraising by its subcommittee, Art on the Rail Trail, the Mohawk Hudson Land Conservancy has secured funding for no more than nine art installations to be temporarily donated to the Albany County Rail Trail from the summer to fall seasons of 2020, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Mohawk Hudson Land Conservancy for the donation and temporary installation of art on the Albany County Rail Trail in the vicinity of Voorheesville at no cost to the County, and be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 234**

**AUTHORIZING AN AGREEMENT WITH HOPE HOUSE, INC. REGARDING RESIDENTIAL TREATMENT SERVICES FOR WOMEN WITH CHILDREN**

Introduced: 7/13/20

By Social Services Committee:

WHEREAS, The Commissioner of the Department of Social Services has recommended that the County renew an agreement with Hope House, Inc. to provide residential treatment services for women experiencing alcohol/substance abuse and their minor children ages newborn through nine, and

WHEREAS, The Commissioner indicated that the facility which has a capacity of 21 adults and up to 12 children (with occupancy expected to average 24 individuals) will fill a critical gap in the continuum of services available to women in Albany County and will allow women to secure appropriate treatment services without disrupting their parenting roles with their children, and

WHEREAS, The services to be provided by the facility will include room and board, medical services, coordination with alcohol/substance abuse treatment, child care, parenting education and modeling, assessment of special needs, appropriate recreational opportunities for children and families and other related services, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Hope House, Inc., Albany, NY 12206 regarding the provision of residential treatment services for women with minor children at New York State-established rates, currently set at \$1,014 per month for adults, plus a \$174 personal needs allowance and \$36.16 per eligible child not to exceed \$240,000, for the term commencing October 1, 2020 and ending September 30, 2021 and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 235**

**AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH MEYERS AND STAUFFER, LLC FOR AUDITING SERVICES REGARDING MEDICAID FRAUD, WASTE AND ABUSE**

Introduced: 7/13/20

By Social Services Committee:

WHEREAS, The Commissioner of the Department of Social Services has requested authorization to enter into an agreement with Meyers and Stauffer, LLC for auditing services regarding Medicaid fraud, waste and abuse control activities in the amount not to exceed \$166,000 for the term commencing October 1, 2020 and ending September 30, 2021, and

WHEREAS, The Department issued an Request for Proposal (RFP) for auditing services to assist in determining potential provider fraud, waste and abuse associated with the Medicaid Program and any overpayments to be repaid and Meyers and Stauffer was the lowest responsible proposer, and

WHEREAS, The agreement will provide for a review of Medicaid payments made to providers enrolled in the Medicaid program who have submitted claims for eligible services to recipients for which the County has fiscal responsibility and a determination of any overpayments, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Meyers and Stauffer, LLC, Windsor, CT 06095 for auditing services regarding Medicaid fraud, waste and abuse control activities in the amount not to exceed \$166,000 for the term commencing October 1, 2020 and ending September 30, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 236**

**AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION REGARDING THE HOME ENERGY ASSISTANCE PROGRAM (HEAP)**

Introduced: 7/13/20

By Social Services Committee:

WHEREAS, The Commissioner of the Department of Social Services has requested authorization to enter into an agreement with Cornell Cooperative Extension regarding the Home Energy Assistance Program (HEAP) in the amount of \$160,000 for the term commencing October 1, 2020 and ending September 30, 2021, and

WHEREAS, HEAP is a state-supervised program that provides outreach and certification services to assist eligible low-income households, especially elderly and disabled individuals, in Albany County in meeting the costs of home energy, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Cornell Cooperative Extension, Voorheesville, NY 12186 regarding the Home Energy Assistance Program (HEAP) in an amount not to exceed \$160,000 for the term commencing October 1, 2020 and ending September 30, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate Cornell Cooperative Extension and County Officials.



**RESOLUTION NO. 237**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2020**

Introduced: 7/13/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "E" for 2020, "A Local Law of the County of Albany, New York, Imposing an Additional One Percent Rate of Tax on Sales and Uses of Tangible Personal Property and of Certain Services, and on Occupancy of Hotel Rooms and Amusement Charges, Pursuant to Article 29 of the Tax Law of the State of New York" be held by the County Legislature remotely, with information available on the County website, at 7:15 p.m. on Tuesday, August 25, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

**RESOLUTION NO. 238**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2020**

Introduced: 7/13/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "F" for 2020, "A Local Law of the County of Albany, New York Imposing a Tax on the Occupancy of Hotel Rooms in Albany County" be held remotely by the County Legislature, with information available on the County website, at 7:15 p.m. on Tuesday, August 25, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

**RESOLUTION NO. 239**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "G" FOR 2020**

Introduced: 7/13/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "G" for 2020, "A Local Law of The County Of Albany, New York Enacting a Mortgage Recording Tax Pursuant to Section 253-P of the Tax Law of the State of New York" be held remotely by the County Legislature, with information available on the County website, at 7:15 p.m. on Tuesday, August 25, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

**RESOLUTION NO. 240**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "H" FOR 2020**

Introduced: 7/13/20

By Mr. Peter:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "H" for 2020, "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, REPEALING LOCAL LAW 1 FOR 2016 AND PROHIBITING THE USE AND SALE OF SPARKLING DEVICES" to be held remotely by the Albany County Legislature at 7:15 p.m. on Tuesday, August 25, 2020, with participation information to be made available on the Albany County website, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

**RESOLUTION NO. 241**

**PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NOS. 1, 2 AND 3**

Introduced: 7/13/20

By Mr. A. Joyce:

WHEREAS, Section 303-b of the Agriculture and Markets Law mandates an annual thirty-day review period, when landowners can request inclusion of land in an agricultural district prior to the County established review period, and

WHEREAS, Such review has been conducted and modifications are proposed regarding the inclusion of actively viable farm land into the agricultural districts located in the Towns of Berne, Bethlehem, Colonie, Guilderland, New Scotland and Westerlo, and

WHEREAS, In connection with such review, a proposal for the modification of Albany County Agricultural Districts has been submitted, and

WHEREAS, In conducting such review, Section 303-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing on the additions to Agricultural Districts upon notice as prescribed therein, now, therefore be it

RESOLVED, By the Albany County Legislature, that a public hearing be held remotely with instructions available on the Albany County website at 7:15 p.m. on Tuesday, July 28, 2020, for the purpose of receiving the comments of any interested persons regarding the proposed modifications to Agricultural District Nos. 1, 2 and 3 within Albany County, and, be it further

RESOLVED, That notice of said public hearing be given in accordance with the requirements of the Agriculture and Markets Law, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**RESOLUTION NO. 242**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "C" FOR 2020**

Introduced: 7/13/20

By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "C" for 2020, "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019" be held remotely by the County Legislature, with instructions available on the Albany County website at 7:15 p.m. on Tuesday, July 28, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

RESOLUTION NO. 243

**AN ACT TO MODIFY THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES**

Introduced:

By: Mauriello, Burgdorf, Grimm, Drake, Lockart, Tunny, Langdon, Whalen and Perlee

WHEREAS, According to the Final Report – Time and Attendance Audit (“Final Report”), dated April 2020 issued by Comptroller Susan Rizzo and Chief Auditor Stephanie Slominski CIA, which reviewed the outgoing Comptroller, Michael Connors, Interim Audit Report, dated December, 2019, and a forensic audit by an outside CPA firm, Berdon LLP, certain areas of improvement exist for internal controls over time and attendance recording for the purpose of payroll disbursements; and

WHEREAS, some of the Key Observations of the Final Report are:

- 1) “Albany County Policy, as set forth by the County Legislature, related to time and attendance recording, does not provide specific guidance to require that departments maintain adequate supporting documentation of time and attendance records”;
- 2) “Manual Entries to record time and attendance are either not supported by documentation or documentation is not obtained on a regular basis”;
- 3) “Manual entries to record time and attendance are signed off by subordinates”; and
- 4) “Individuals with edit access mak[e] and approve their own time records”; and

WHEREAS, the outgoing Comptroller, Michael Connors, further alleged that County employees were engaged in political campaign work, while on the County clock, at public expense; and

WHEREAS, the Final Report proposals and the allegations of Michael Connors require a public response and/or a corrective action plan; and

WHEREAS, pursuant to the Albany County Charter, entitled Powers and Duties of the Albany County Legislature, this body is charged with “*Determining policy for the County and to adopt all necessary rules and regulations for its conduct and procedure*” (Sec. 208 (a)), and with “*Exercising legislative oversight of county programs and administrative units*” (Sec. 208 (i)), and

WHEREAS, this body has previously adopted "Rules and Regulations for Albany County Employees" and amendments thereto, and

WHEREAS, it is the desire of this body to amend the above-described employee handbook;

NOW, THEREFORE, BE IT RESOLVED that the "Rules and Regulations for Albany County Employees" are modified as follows:

A) Article II (C), entitled "Attendance Record", is amended as follows:

"Every County employee shall maintain a complete, accurate, and up-to-date record of his or her presence and absence from work. For employees who are FLSA covered employees as defined herein, attendance records shall, at a minimum, indicate the time work commenced, the start and stop of any meal break, and the time work ended. FLSA exempt employees shall record attendance and any leave credits charged. Periods of absence covered by properly authorized paid and unpaid leaves shall also be indicated. All departments must implement written procedures outlining the maintenance, recording, and documentation of time and attendance records in accordance with applicable civil service requirements and collective bargaining agreements. The Commission of Human Resources is authorized to facilitate the development of procedures suited to the individual dynamics of each department and to promulgate County wide standards, forms, and procedures for the purposes of recording attendance. Time sheets should include lines for location, a brief description of activities where applicable and a line for a supervisor to approve/certify, as well as language that provides for an attestation of the employee and an acknowledgment of penalty for any submission of false documentation. Time sheets and supporting documentation, such as leave requests, should be electronically saved and stored in specifically identifiable and searchable electronic folders. The use of automated systems in the recording and reporting of employee attendance [may be required] is preferred and, when not available, time cards completed by the employee and signed by a supervisor, are the next preferred alternative. Approval of time cards by an employee's direct subordinate shall never be permitted. Individuals with access to electronic time records are prohibited from approving their own records. Special procedures shall be developed by the Commissioner of Human Resources for an employee who has no immediate supervisor to approve his or her time. No employee may modify their own records. There is no exception to this rule.

B) Article XIV, entitled "Infractions", is amended as follows:

"It is the County's policy to base the disciplining of employees on just cause and all instances of cause for disciplinary action shall be considered in their full context. The County endorses a policy of progressive discipline in which attempts



are made to provide employees with notice of deficiencies and an opportunity to improve. There are, however, certain misdeeds that by their very nature are particularly inappropriate to the workplace and may require the County to seek immediate removal of an employee, even for a first time offense. The infractions listed below include some, but not all, offenses that may necessitate immediate disciplinary action:

- Use, sale, dispensing, distribution, purchase, possession or manufacture of illegal drugs, controlled substances, narcotics or alcoholic beverages on County premises or work sites;
- Being under the influence of the above while on the job;
- Profane and/or abusive language;
- Gross insubordination, including but not limited to, a direct refusal to obey a lawful order of a supervisor;
- Unauthorized use of equipment;
- Theft of property or services;
- Falsification of employment applications;
- Deliberate falsification of a time and attendance record;
- Sleeping on duty;
- Unauthorized absence;
- Possession of unauthorized firearms, explosives and other weapons on County premises and work sites;
- Performing political work, other than for the Board of Elections, for candidates, political parties, political appointees, or elected officials while at work on the County payroll.”

BE IT FURTHER RESOLVED, that nothing in this policy amendment pertaining to campaign work shall discourage the First Amendment rights of Albany County employees, as the right to exercise personal political beliefs is cherished by Albany County, but that does not mean that it can or should be subsidized by the taxpayers. Such activities must be performed outside of public paid time; and

BE IT RESOLVED, that this resolution shall take effect immediately.

**LOCAL LAW NO. "E" FOR 2020**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, IMPOSING AN ADDITIONAL ONE PERCENT RATE OF TAX ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany, as follows:

SECTION 1. The first sentence of Section 2 of Local Law No. 3 for 1967, entitled "A Local Law of the County of Albany in relation to the imposition of a County Sales and Use Tax", as amended, is amended to read as follows:

"SECTION 2. Imposition of sales tax. On and after March 1, 1970, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1992, and ending November 30, 2023, there is hereby imposed and there shall be paid an additional tax at the rate of one percent upon:"

SECTION 2. Section 2-B of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

"SECTION 2-B. Exemption of certain energy sources and related services from additional one percent rate of tax.

Notwithstanding any inconsistent provision of this Local Law, receipts from the sale of property and services described in Section 2-A of this Local Law and consideration given or contracted to be given for such property and services shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by Sections 2 and 4, respectively, of this Local Law for the period commencing September 1, 1992, and ending November 30, 2023."

SECTION 3. Subdivision (g) of Section 3 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

"(g) With respect to the additional tax of one percent imposed for the period commencing September 1, 1992, and ending November 30, 2023, the provisions of subdivisions (a), (b), (c), (d) and (e) of this Section apply,

except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1992, any transaction which may not be subject to the additional tax imposed effective on that date.”

SECTION 4. Section 4 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

“SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractors, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of Section Two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of Section Two have been performed, (E) of any telephone answering service described in subdivision (b) of Section Two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this Section, for the period commencing September 1, 1992, and ending November 30,

2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of Section One, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of Section One.

(e) Notwithstanding the foregoing provision of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on

and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of Section One.

(g) For purposes of clause (F) of subdivision (a) of this Section, for the period commencing September 1, 1992, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.”

SECTION 5. Paragraph (B) of subdivision (1) of Section 11 of such Local Law No. 3 for 1967, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1992, and ending November 30, 2023, in respect to the use of property used by the purchaser in this County prior to September 1, 1992.”

SECTION 6. A new subdivision (q) of section 14 of such Local Law No. 3 for 1967, as amended, is added to read as follows:

“(q) Notwithstanding any inconsistent provision of law, the County shall allocate and distribute quarterly to the cities and the area in the County outside the cities the same proportion of net collections attributable to the additional one percent rate of taxes imposed by sections two and four of this Local Law for the period commencing December 1, 2020 and ending November 30, 2023, as the County allocates and distributes the net collections from the County’s three percent rate of such taxes, as of July 20, 2020, and such portion of net collections attributable to such additional one percent rate of such taxes shall be allocated and distributed to the towns and villages in the County in the same manner as the net collections attributable to the County’s three percent rate of such taxes are allocated and distributed to such towns and villages as of July 20, 2020. In the event that any city

in the County exercises its prior right to impose tax pursuant to Section 1224 of the New York Tax Law, then the County shall not allocate and distribute net collections in accordance with the previous sentence for any period of time during which any such city tax is in effect, and the County shall instead set aside net collections attributable to such additional one percent rate of such taxes for County purposes for any such period that any such city tax is in effect.

SECTION 7. This enactment shall take effect December 1, 2020.

**LOCAL LAW NO. "F" FOR 2020**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY**

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany that Local Law No. 3 for 1980 as amended by Local Law No. 8 for 1981, Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009, Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 pursuant to Chapter 693 of the Laws of 1980 of the State of New York, Chapter 375 of the Laws of 1985 of the State of New York, Chapter 531 of the Laws of 2005 of the State of New York, Chapter 194 of the Laws of 2006 of the State of New York, Chapter 105 of the Laws of 2009 of the State of New York, Chapter 401 of the Laws of 2010 of the State of New York, Chapter 312 of the Laws of 2012 of the State of New York, Chapter 228 of the Laws of 2014 of the State of New York, Chapter 452 of the Laws of 2016 of the State of New York Chapter 134 of the Laws 2018 of the State of New York and Chapter 58 of the Laws of the State of New York is hereby amended as follows:

SECTION 1. During the period January 1, 2021 to December 31, 2023, Section 2 of Local Law No. 3 for 1980 as amended by Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009, Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 is amended to read as follows:

**Imposition of Tax**

On and after the first day of January 1, 2021, there is hereby imposed and there shall be paid a tax of six percent of the per diem rental rate charged to occupants for each hotel or motel room except that the tax shall not be imposed upon a permanent resident of such hotel or motel.

SECTION 2. During the period January 1, 2021 to December 31, 2023, Section 12 of Local Law No. 3 for 1980 as amended by Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009 Local Law No. 10 for 2010, Local Law No. 2 for 2012, Local Law No. 4 for 2014, Local Law No. 8 for 2016 and Local Law No. 5 for 2018 is amended to read as follows:

**Disposition of Revenues**

All revenues resulting from the imposition of the tax under the local law shall be paid into the treasury of the County of Albany and shall be credited to and deposited into three special funds as follows:

(a) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development. The County of Albany is authorized to retain up to a maximum of ten per centum of such revenue derived from this fund to defray the necessary expenses of the County in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided for administering such tax, shall be allocated to pay for services performed, subject to the terms and conditions in contracts, which may be entered into between the County and the Albany County Convention and Visitors Bureau, Inc., all at the option of the County, its successors or assigns. Said funds so allocated shall be used for the purpose of promoting Albany County, its cities, towns and villages, in order to increase convention/trade show and tourism business.

(b) Revenues from the tax imposed by this local law equal to two-thirds of such total revenue shall be credited and deposited in a special account to be known as "Civic Center Debt Service Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, money therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the County to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefore, which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(c) Revenues from the tax imposed by this local law equal to one-sixth of such total revenue shall be credited and deposited in a special account to be known as the "Albany Convention Center Authority Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used solely and exclusively by the Albany Convention Center Authority for the development of a convention center project to be located in the City of Albany. Albany County shall pay the moneys in such fund over to such authority upon application for such moneys by the authority.

SECTION 3. On and after the Albany Convention Center completion date, defined as the date on which the architect for the convention center project issues a



certificate of substantial completion in substantial conformity with AIA Document G704-2000 stating that the convention center facility is sufficiently complete in accordance with the contract or contracts for construction that the owner can occupy or utilize the convention center facility for its intended use:

(a) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development. The County of Albany is authorized to retain up to a maximum of ten per centum of such revenue derived from this fund to defray the necessary expenses of the County in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided for administering such tax, shall be allocated to pay for services performed, subject to the terms and conditions in contracts, which may be entered into between the County and the Albany County Convention and Visitors Bureau, Inc., all at the option of the County, its successors or assigns. Said funds so allocated shall be used for the purpose of promoting Albany County, its cities, towns and villages, in order to increase convention/trade show and tourism business.

(b) Revenues from the tax imposed by this local law equal to one-third of such total revenue shall be credited and deposited in a special account to be known as "Civic Center Debt Service Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, money therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the County to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefore, which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(c) Revenues from the tax imposed by this local law equal to one-half of such total revenue shall be credited and deposited in a special account to be known as the "Albany Convention Center Authority Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used solely and exclusively by the Albany Convention Center Authority for the development of a convention center project to be

located in the City of Albany. Albany County shall pay the moneys in such fund over to such authority upon application for such moneys by the authority.

SECTION 4. This local law supersedes Local Law No. 5 for 2018 and shall take effect January 1, 2021 and expire and be deemed repealed December 31, 2023.

**LOCAL LAW NO. "G" FOR 2020**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ENACTING A MORTGAGE RECORDING TAX PURSUANT TO SECTION 253-p OF THE TAX LAW OF THE STATE OF NEW YORK**

Introduced: 7/13/20

By Mr. A. Joyce:

BE IT ENACTED by the County Legislature of the County of Albany, as follows:

SECTION 1. Pursuant to the provision of Section 253-p of the Tax Law of the State of New York, there is hereby imposed in the County of Albany, New York a tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Albany County and recorded on or after October 31, 2008 and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars.

SECTION 2. The tax imposed by this local law shall be administered and collected in the same manner as the taxes imposed under subdivision one of section two hundred fifty three and paragraph (b) of subdivision one of section two hundred fifty-five of Article 11 of the Tax Law and shall be paid as provided in Section 253-p of the Tax Law and shall be in addition to the taxes imposed by Section 253 of the Tax Law.

SECTION 3. This local law shall expire December 1, 2023, provided further, however, that such expiration shall not preclude the adoption and enactment of additional local laws by the County of Albany pursuant to the provisions of Section 253-p of the Tax Law upon the expiration of this local law or any subsequent local law adopted and enacted pursuant to the provisions thereof.

SECTION 4. Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Albany during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of the recording officer's office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Albany County Director of Finance and, after the deduction by the Director of Finance

of the necessary expenses as provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Albany for expenditure on County purposes. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

SECTION 5. This local law shall take effect on December 1, 2020, provided that the Clerk of this Legislature shall mail a certified copy hereof by registered or certified mail to the Commissioner of the New York State Department of Taxation and Finance at least 30 days prior to such date. The Clerk of this Legislature shall also file certified copies hereof with the County Clerk of the County of Albany, the Secretary of State of the State of New York and the State Comptroller within five days after the enactment of this local law.

## LOCAL LAW NO. "H" FOR 2020

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, REPEALING LOCAL LAW 1 FOR 2016 AND PROHIBITING THE USE AND SALE OF SPARKLING DEVICES

Introduced: 7/13/20

By Messrs. Peter, R. Joyce, Ward, A. Joyce and Ricard:

BE IT ENACTED by the Albany County Legislature as follows:

#### SECTION 1. Repeal of Local Law 1 for 2016

Local Law 1 for 2016, "A Local Law of the County of Albany, New York, Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition as Permitted by New York State Penal Law Section 405 (b)" is hereby repealed upon the effective date of this law.

#### SECTION 2. Legislative Intent

The New York State Legislature approved, and the Governor of New York signed into law, Chapter 477 of the Laws of 2014 that amended the New York State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous.

The Governor signed this bill into law in part due to New York's strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a Local Law authorizing such action.

Thereafter, Chapter 371 of the Laws of 2017 amended the previous grant of home rule authority, and legalized the sale and use of sparking devices throughout the state, outside of New York City. This amendment did not require County's to opt-in, instead it allowed them to opt-out.

Since the passage of Law 1 for 2016, which legalized sparking devices in Albany County, significant problems have arisen due to members of the public engaging in the practice of lighting off fireworks at all hours of the night. The scope and use of sparking devices anticipated in 2016 when Albany County opted-in has grown into something entirely different. These devices are far more powerful than originally envisioned. This has significantly affected the quality of life and safety of the residents of the County. While this Legislature cannot stop the conduct of all those using sparking devices irresponsibly, it can do its part to limit their ability to obtain these tools of nuisance.

Therefore, the purpose of this Local Law is to prohibit the previously believed to be safe sparkling devices from being sold or used in Albany County.

### Section 3. Definitions

“Sparkling Devices” are defined in Section 270.00 of the New York Penal Law.

### Section 4. Prohibitions

The sale and use of sparkling devices is hereby prohibited within the County of Albany.

### Section 5. Penalties

- (i) Any person who shall use or explode a sparkling device, or cause an exploding device to be exploded, shall be guilty of a violation punishable by a fine not to exceed \$500;
- (ii) Any person who offers a sparkling device for sale, or sells or furnishes a sparkling device to another person or persons, shall be guilty of a Class B misdemeanor, punishable by a fine of \$1,000 and fifteen (15) days in jail.

### Section 6. Applicability

This law shall apply to all actions occurring on or after the effective date of this law.

### Section 7. Severability

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such the remainder of this law, or the application thereof to other persons or circumstances.

### Section 8. State Environmental Quality Review Act Compliance

This County Legislature determines that the adoption of this Local Law constitutes a “Type II action” as said term is defined in the State Environmental Quality Review Act (“SEQRA”), and that no further action with respect to same is required under SEQRA.

Section 9. Effective Date

This law shall take effect January 3, 2021.