

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Wednesday, July 29, 2020

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. LOCAL LAW NO. "A" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET
3. 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
4. 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

CURRENT BUSINESS:

5. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2020
6. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2020
7. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "G" FOR 2020
8. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "H" FOR 2020
9. 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
10. 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

11. 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
12. 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
13. ADOPTING THE NEW YORK STATE ARCHIVES RETENTION AND DISPOSITION SCHEDULE FOR LOCAL GOVERNMENT RECORDS
14. AMENDING RESOLUTION NO. 30 FOR 2019 REGARDING THE SECOND UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION GRANT
15. AUTHORIZING AGREEMENTS REGARDING ALBANY COUNTY INSURANCE COVERAGE
16. AUTHORIZING A LEASE AGREEMENT WITH DAVID VILLAMIL REGARDING SUITE 118 AT 112 STATE STREET

County of Albany

112 State Street
Albany, NY 12207



Meeting Minutes

Wednesday, June 24, 2020

5:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

Present: Legislator Victoria Plotsky, Legislator Joanne Cunningham, Dennis A. Feeney, Matthew T. Peter, Bill L. Ricard, Paul J. Burgdorf, Jennifer A. Whalen and Jeffrey D. Kuhn

Excused: David B. Mayo

1. APPROVING PREVIOUS MEETING MINUTES

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

2. LOCAL LAW NO. "A" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET

This Local Law was tabled by the request of the sponsor.

3. 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

This Local Law was tabled by the request of the sponsor.

4. 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

This Local Law was tabled by the request of the sponsor.

CURRENT BUSINESS:**5. 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.**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

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

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

7. 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

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

LOCAL LAW NO. "A" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET

Introduced: 2/10/20

By Messrs. A. Joyce, O'Brien, Peter:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2702 OF THE ALBANY COUNTY CHARTER

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

SECTION 1. Section 603 (d) of the Albany County Charter is hereby amended to read as follows:

Elements of the tentative annual budget. Upon completion of her review, the Commissioner of the Department of Management and Budget shall prepare the tentative annual budget for the County Executive, which shall be filed with the Clerk on or before [October 10] September 15. Upon such filing, the tentative annual budget submission shall become a public record in the office of the Clerk, and copies of it shall be made available by the Clerk for distribution. Elements of the tentative annual budget submission shall be in compliance with the provisions of County law and include such material as the County Executive deems desirable, or the County Legislature may require. In addition, such submission shall include, but not be limited to: Legislative Intent and purpose.

SECTION 2. If any article, section, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 3. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Referred to Law and Audit and Finance Committees – 2/10/20

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

Introduced: 2/10/20

By Messrs. Reinhardt, Miller, Mss. Cunningham, Plotsky, Messrs. Kuhn, A. Joyce, Ms. Chapman, Messrs. Bruschi, Clay, Cleary, Efekoro, Fein, Mss. Lekakis, McLaughlin, McLean Lane, Messrs. Reidy, Peter and Simpson:

Section 1: TITLE

This Local Law shall be known as the "Albany County Clean Air Law."

Section 2: STATUTORY AUTHORIZATION

This Local Law is hereby adopted pursuant to the provisions of the New York Municipal Home Rule Law § 10(1)(ii)(a)(11), the Clean Air Act (42 U.S.C. § 7416), the Resource Conservation and Recovery Act (42 U.S.C. § 6929), New York State Air Pollution Control Act (Environmental Conservation Law §§ 19-0703 and 19-0709), and New York State Environmental Conservation Law § 27-0711.

Section 3: INTENT

It is the intent of this Local Law to promote and protect the public health and welfare of the residents of Albany County by prohibiting the burning or related processing of Waste.

Section 4: DEFINITIONS

As used in this Local Law, the following terms shall have the following meanings:

- A. NEW WASTE DISPOSAL FACILITY** shall mean any non-residential facility that, after the effective date of this Local Law:
- 1) disposes of Waste, uses Waste to heat an industrial process, or uses Waste to produce energy (heat, electricity, or a burnable fuel), and
 - 2) accomplishes this through the combustion of Waste (or gases produced on-site from the burning, gasification or pyrolysis of such Waste), or by producing a solid, liquid and/or gaseous fuel product through conversion of Waste.
 - 3) A New Waste Disposal Facility does not include:
 - i. landfills,
 - ii. publicly owned treatment works,
 - iii. anaerobic digesters,
 - iv. facilities burning landfill gas or gas produced from anaerobic digestion, unless they are also burning Waste,

- v. systems used exclusively for on-site space heating purposes at a residential home,
- vi. manufacturing facilities that, on a consistent basis as part of their operations, have, prior to the effective date of this law, burned Waste generated on-site from their own manufacturing process, and plan to continue burning the same types of Waste, or
- vii. facilities which maintain valid permits identifying the types of Waste contained in this law which were lawfully disposing of such types of Waste through the combustion process pursuant to such permits in the 12 months preceding the effective date of this local law.
- viii. [facilities that burned an average of at least 10 tons of Waste per day throughout calendar year 2019.]

B. **RESPONSIBLE OFFICIAL** shall mean the natural person who is on file with the New York State Department of Environmental Conservation (DEC) as the Responsible Official, as defined in 6 NYCRR 201-2(b)(28). If no such individual properly meeting that definition is currently on file with DEC, the Responsible Official shall be the owner of the New Waste Disposal Facility. If the owner is a business entity, then the Responsible Official(s) shall be the person or persons sharing the highest level of decision-making power within the business entity.

C. **PERSON** shall mean any natural person, general or limited partnership, corporation, limited liability company, limited liability partnership, firm, association or organization, trust or other legal entity, or any combination thereof, and the agent(s) or employee(s) thereof.

D. **BURNING AND/OR PROCESSING** shall mean any type of combustion process involving any waste, including for use as a fuel in recovering useable energy.

E. **COMBUSTION** shall mean the thermal treatment of waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the waste. Examples of the combustion process include incineration, pyrolysis, and fluidized bed.

F. **WASTE** shall mean:

- i. all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form; [and]
- ii. solid waste as defined by 6 NYCRR 360.2(a) and 42 USC 6903(27); [and]

- iii. biosolids; [and]
- iv. hazardous waste as defined by NY Environmental Conservation Law § 27-0901(3); [and]
- v. waste as defined by NY Environmental Conservation Law § 27-0901(11); [and]
- vi. aqueous film-forming foam that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS);
- vii. low-level radioactive waste as defined by N.Y. Environmental Conservation Law § 29-0101(1);
- viii. high-level radioactive waste;
- ix. transuranic waste;
- x. regulated medical waste as defined by NY Environmental Conservation Law § 27-1501(1); [and]
- xi. automobile shredder residue; [and]
- xii. discarded automobiles; [and]
- xiii. waste tires as defined by NY Environmental Conservation Law § 27-1901(13); [and]
- xiv. plastics, or any material that has been source separated for recycling or composting purposes; [and]
- xv. pharmaceutical wastes or expired pharmaceuticals; [and]
- xvi. disaster debris; [and]
- xvii. electronic wastes; [and]
- xviii. processed engineered fuel; [and]
- xix. refuse derived fuels; [and]
- xx. any material determined by the U.S. Environmental Protection Agency or New York state agency to be a non-hazardous secondary material, or
- xxi. the solid residue of any air or water pollution control device.

Section 5: PROHIBITION

- A. [No person shall be permitted to operate a New Waste Disposal Facility in Albany County.] No person shall be permitted to burn or otherwise use the combustion process to dispose of Waste at a New Waste Disposal Facility in Albany County.
- B. [No person shall burn:
 - a. low-level radioactive waste as defined by N.Y. Environmental Conservation Law § 29-0101(1);
 - b. high-level radioactive waste;
 - c. transuranic waste; or
 - d. aqueous film-forming foam that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS).]

Section 6: PENALTIES FOR OFFENSES

A. Failure to comply with any of the provisions of this Local Law shall be a violation as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of up to \$2,000 or imprisonment of the Responsible Official for not more than 10 days, or both, for the first offense. A second offense shall be a misdemeanor as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine up to \$5,000 or imprisonment of the Responsible Official for a period of not more than 30 days, or both. All subsequent offenses shall be a misdemeanor punishable of a fine up to \$10,000 or imprisonment of the Responsible Official for a period of not more than 50 days, or both. For purposes of this subsection, each day of noncompliance with this Local Law shall constitute a separate and distinct offense.

B. Injunctions; concurrent remedies.

- i. In addition to any other remedy provided herein, the County of Albany may institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this article.
- ii. In addition, any officer enforcing this law may issue stop work orders or compliance notices relative to any violation of this Local Law.
- iii. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the County of Albany from exercising any other remedy provided herein or otherwise provided at law or equity.
- iv. The terms and provisions of this article are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.

C. In the event the County desires or is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs and expenses incurred by the County relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, any responsibility or liability therefor, and the amount thereof, shall be determined by a court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

Section 7: ENFORCEMENT AND ADMINISTRATION

Enforcement of this Local Law shall be the responsibility of the law enforcement agencies within the County.

Section 8: SEVERABILITY

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law

shall remain in effect.

Section 9: EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

LOCAL LAW “C” FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019

Introduced: 03/09/20
By Ms. Cunningham:

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

Local Law No. 5 for 2019, entitled “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” is hereby amended to read as follows:

SECTION 1.

Section 4 of Local Law No. 5 for 2019 is amended to read as follows:

Section 4 Imposition of Fees for Use of Paper Bags

- (a) In accordance with Section 27-2805 of the New York State Environmental Conservation Law, Albany County establishments subject to the ban on Plastic Carryout Bags set forth in Section 27-2803 of the New York State Environmental Conservation Law shall charge customers a Paper Carryout Reduction Fee of \$.05 for each Paper Carryout Bag the Establishment provides to customers. On the effective date, all covered stores shall indicate on the customer receipt the number of Paper Carryout Bags that are provided to customers and the fee at which they were charged for the use of such bag.
- (b) The paper carryout bag reduction fee imposed by this local law shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition programs for women, infants, and children, or any successor programs used as full or partial payment for the items purchased.
- (c) Entities described in paragraphs (1) through (3) of subdivision (a) of section 1116 of the Tax Law of the State of New York shall be exempt from the fee imposed by this local law.

SECTION 2.

Section 5 of Local Law No. 5 for 2019 is amended to read as follows:

Section 5 Distribution of Fees and Transparency of Fee Collection

- (a) Per Section 27-2805 of the New York Environmental Conservation Law, forty percent of the fee shall be provided to Albany County for the purpose of

purchasing reusable bags for Albany County residents, particularly those of low-income or limited means.

- (b) The fee imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Subsection 6 of § 27-2805 of the Environmental Conservation Law and in a like manner as the taxes imposed under Articles 28 and 29 of the Tax Law; provided, however that: (i) the vendor credit provided in subdivision (f) of § 1137 of the Tax Law shall not apply to this enactment; and (ii) the exemptions provided in section 1116 of the Tax Law, other than the exemptions in paragraphs one, two and three of subdivision (a) of such section, shall not apply to the fee imposed by this local law.
- (c) Any monies received by Albany County from the New York State Comptroller in respect of the fee imposed by this act shall be expended only in accordance with subdivision 7 of § 27-2805. Any monies not expended by Albany County for such purposes shall be returned to the New York State Comptroller at the end of the fiscal year.

SECTION 3.

Section 8 (d) of Local law No. 5 for 2019 is amended to read as follows:

Section 8. Albany County Responsibilities, Enforcement and Penalties.

- (e) Violation: Violations of this law shall be enforced pursuant to Section 27-2807 of the New York State Environmental Conservation Law.

SECTION 4.

Section 10 of Local Law No. 5 for 2019 is deleted in its entirety.

SECTION 5.

Section 11 of Local Law No. 5 for 2019 renumbered to Section 10 and is amended to read as follows:

Section 10. Effective Date.

The effective date of this local law will be September 1, 2020.

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.

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.

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.

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.

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.

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.

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.