

# **County of Albany**

112 State Street  
Albany, NY 12207



## **Meeting Agenda**

**Thursday, July 30, 2020**

**6:30 PM**

**Held Remotely**

### **Audit and Finance Committee**

**PREVIOUS BUSINESS:**

1. APPROVING PREVIOUS MEETING MINUTES
2. AMENDING RESOLUTION NO. 512 FOR 2017 REGARDING THE PROJECT LABOR AGREEMENT FOR THE ALBANY COUNTY NURSING HOME PROJECT
3. AUTHORIZING A ONE-TIME AMNESTY PERIOD FOR REDUCTION OF INTEREST CHARGED ON DELINQUENT PROPERTY TAXES
4. LOCAL LAW NO "D" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW 3 FOR 2010 AND AUTHORIZING THE COUNTY EXECUTIVE TO NEGOTIATE A LEASE AGREEMENT OF PROPERTY OWNED BY ALBANY COUNTY WITH THE SHAKER HERITAGE SOCIETY NOT TO EXCEED FIFTY YEARS, SUBJECT TO THE APPROVAL OF THE ALBANY COUNTY LEGISLATURE

**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. AN ACT TO MODIFY THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES
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. AMENDING THE 2020 SHERIFF'S OFFICE BUDGET: ADMINISTRATIVE ADJUSTMENTS
13. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE CANAL CORPORATION REGARDING REIMBURSEMENT FOR MARINE PATROL SERVICES
14. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES REGARDING THE 2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT AND AMENDING THE 2020 SHERIFF'S OFFICE BUDGET
15. PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE CAPITAL PROGRAM FOR 2020-2024
16. ADOPTING AN AMENDMENT TO THE CAPITAL PROGRAM FOR 2020-2024
17. PUBLIC HEARING ON THE PROPOSED ALBANY COUNTY CAPITAL PROGRAM FOR 2021-2025
18. ADOPTING THE ALBANY COUNTY CAPITAL PROGRAM FOR 2021-2025
19. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AGREEMENT WITH THE NEW YORK STATE BOARD OF ELECTIONS REGARDING THE NYS HAVA CARES ACT GRANT AND AMENDING THE 2020 BOARD OF ELECTIONS BUDGET
20. AUTHORIZING AN AGREEMENT WITH THE OFFICE OF ADDICTION SERVICES AND SUPPORTS REGARDING THE CAPITAL REGION OPEN ACCESS ENGAGEMENT PROGRAM AND AMENDING THE 2020 DEPARTMENT OF MENTAL HEALTH BUDGET
21. AUTHORIZING AN AGREEMENT WITH MOTHER CABRINI HEALTH FOUNDATION/FOUNDATION FOR LONG TERM CARE INC REGARDING A CORONAVIRUS EMERGENCY SUPPORT GRANT

22. RESCINDING THE CONVEYANCE OF REAL PROPERTY PURSUANT TO RESOLUTION NO. 250 FOR 2019 AND AUTHORIZING THE CONVEYANCE OF 39 GARFIELD PLACE (TAX MAP NO. 65.21-2-61) IN THE CITY OF ALBANY
23. RESCINDING THE CONVEYANCE OF REAL PROPERTY PURSUANT TO RESOLUTION NO. 69 FOR 2020 AND AUTHORIZING THE CONVEYANCE OF 268 STARR ROAD (TAX MAP NO. 155.-1-57) IN THE TOWN OF COEYMANS
24. AUTHORIZING THE REFUND OF REAL PROPERTY TAXES IN THE CITY OF ALBANY
25. AUTHORIZING A CORRECTION TO THE TAX ROLL FOR THE CITIES OF ALBANY AND WATERVLIET AND THE TOWNS OF BERNE, COEYMANS, COLONIE AND RENSSELAERVILLE
26. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY REGARDING PUBLIC ASSISTANCE GRANT FUNDING

# County of Albany

112 State Street  
Albany, NY 12207



## Meeting Minutes

Thursday, June 25, 2020

5:30 PM

Held Remotely

## Audit and Finance Committee

**PREVIOUS BUSINESS:**

**Present:** Legislator Wanda F. Willingham, Legislator Matthew T. Peter, William M. Clay, Raymond F. Joyce, David B. Mayo, Joseph E. O'Brien, Lynne Lekakis, Mark E. Grimm and Paul J. Burgdorf

**1. APPROVING PREVIOUS MEETING MINUTES**

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

**2. AMENDING RESOLUTION NO. 512 FOR 2017 REGARDING THE PROJECT LABOR AGREEMENT FOR THE ALBANY COUNTY NURSING HOME PROJECT**

A motion was made that this RLA be tabled. The motion carried by the following vote:

**Aye:** Legislator Willingham, Legislator Peter, Legislator Clay, Legislator Joyce, Legislator Mayo, Legislator O'Brien and Legislator Lekakis

**Nay:** Legislator Grimm and Legislator Burgdorf

**CURRENT BUSINESS:****3. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "D" FOR 2020**

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

**4. AUTHORIZING A ONE-TIME AMNESTY PERIOD FOR REDUCTION OF INTEREST CHARGED ON DELINQUENT PROPERTY TAXES**

This Local Law was tabled at the request of the Sponsor.

**5. LOCAL LAW NO "D" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW 3 FOR 2010 AND AUTHORIZING THE COUNTY EXECUTIVE TO NEGOTIATE A LEASE AGREEMENT OF PROPERTY OWNED BY ALBANY COUNTY WITH THE SHAKER HERITAGE SOCIETY NOT TO EXCEED FIFTY YEARS, SUBJECT TO THE APPROVAL OF THE ALBANY COUNTY LEGISLATURE**

This Local Law was tabled at the request of the Sponsor.

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

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 HORAN, MARTELLO AND MORRONE, CPAS, LLP REGARDING ONGOING ACCOUNTING AND CONSULTING SERVICES AT SHAKER PLACE REHABILITATION AND NURSING CENTER**

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

**8. 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**

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

**9. 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.

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

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

**11. 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**

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

- 12. 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**

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

- 13. 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**

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

- 14. 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**

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

- 15. 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**

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





Daniel P. McCoy  
County Executive

Larry I. Slatky  
Executive Director

April 1, 2020

The Honorable Andrew Joyce  
Chairman, Albany County Legislature  
Legislative Clerk's Office  
112 State Street, Suite 710  
Albany, New York 12207

Dear Chairman Joyce:

Shaker Place Rehabilitation and Nursing Center respectfully requests to extend the Greater Capital Region Building and Construction Trades Council Project Labor Agreement (PLA).

This agreement was created over two years ago with the anticipation that this project would be concluded by the Summer of 2020. Since the project will not end until the Fall, we are asking that the PLA agreement be extended through June 30, 2021 to ensure that it will be in place throughout the balance of the project.

We thank you for your consideration.

Sincerely,

Larry I. Slatky  
Executive Director

cc: Dennis Feeney, Majority Leader  
Frank Mauriello, Minority Leader  
Kevin Cannizzaro, Majority Counsel  
Arnis Zilgme, Minority Counsel





Legislation Text

File #: TMP-1629, Version: 1

**REQUEST FOR LEGISLATIVE ACTION**

**Description (e.g., Contract Authorization for Information Services):**  
Greater Capital Region Building and Construction Trades Council (PLA)

Date: April 1, 2020  
Submitted By: Larry I. Slatky  
Department: Shaker Place Rehabilitation and Nursing Center  
Title: Executive Director  
Phone: 518-213-8940  
Department Rep.  
Attending Meeting: Larry I. Slatky

**Purpose of Request:**

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

**CONCERNING BUDGET AMENDMENTS**

**Increase/decrease category (choose all that apply):**

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.  
Source of Funds: Click or tap here to enter text.  
Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

**Party (Name/address):**

Greater Capital Region Building and Construction Trades Council  
890 3<sup>rd</sup> Street  
Albany, New York 12206

**Additional Parties (Names/addresses):**

Click or tap here to enter text.

Amount/Raise Schedule/Fee: N/A

Scope of Services: Greater Capital Region Building and Construction Trades Council entered into a Project Labor Agreement (PLA) with Albany County Nursing Home, now Shaker Place Rehabilitation and Nursing Center. The scope of the agreement is outlined in the PLA. (see attachments)

Bond Res. No.: Click or tap here to enter text.

Date of Adoption: Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes  No   
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes  No   
Anticipated in Current Budget: Yes  No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.

Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.

Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: Click or tap here to enter text.

County: N/A

Local: Click or tap here to enter text.

Term

Term: (Start and end date) 1/1/2018 - 6/30/2021

Length of Contract: 42 months

Impact on Pending Litigation Yes  No

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 512

Date of Adoption: 12/4/2017

**Justification:** (state briefly why legislative action is requested)

Shaker Place Rehabilitation and Nursing Center is requesting an extension of our PLA by 12 months to ensure it is in place throughout the entire renovation and new construction project. I have attached the previous submission, cover letter, approvals and Resolution.

**Slatky, Larry**

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**From:** Albany County Contract Management System <Sharepoint\_admin@albanycounty.com>  
**Sent:** Wednesday, April 1, 2020 12:01 AM  
**To:** CMS\_ExpirationDate; Slatky, Larry  
**Subject:** Notice of Pending Expired Contract - 90 Days From Now

This is to notify you that a contract will expire 90 days from today.

**Expiration Date:** 6/30/2020 12:00:00 AM  
**Date Submitted:** 12/18/2017 12:00:00 AM

**Department:** NH6020 - Nursing Home  
**Contact Person:** ALBANYCOUNTY\lslatky  
**Contact Phone:** (518) 869-2231

**Contract Type:** C) County Legislative Contracts  
**Vendor Name:** Greater Capital Region Building and Construction Trades Council

**Contract ID #:** 3897

**Scope of Service:**  
See PLA Article 3 for full scope of work

To view the contract click [here](#)



This email has been checked for viruses by AVG antivirus software.  
[www.avg.com](http://www.avg.com)



DANIEL P. MCCOY  
COUNTY EXECUTIVE

COUNTY OF ALBANY  
DEPARTMENT OF RESIDENTIAL HEALTH CARE FACILITIES  
ALBANY COUNTY NURSING HOME  
ALBANY SHAKER ROAD  
ALBANY, NEW YORK 12211-1089  
PHONE: (518) 869-2231 FAX: (518) 869-1713  
[www.albanycounty.com](http://www.albanycounty.com)

LARRY I. SLATKY  
ACTING EXECUTIVE DIRECTOR  
THOMAS COFFEY  
ADMINISTRATOR

October 10, 2017

The Honorable Sean Ward  
Chairman, Albany County Legislature  
Legislative Clerk's Office  
112 State Street, Suite 710  
Albany, New York 12207

Dear Chairman Ward:

The Albany County Department of Residential Healthcare Facilities respectfully requests the approval of our Project Labor Agreement (PLA) with the Greater Capital Region Building and Construction Trades Council.

Through the evaluation by Seeler, it has been determined that entering into a PLA will save overall project cost. This agreement will also prevent favoritism, fraud and corruption, prevent the impact of delay, avoid labor unrest and gain measurable management flexibility and benefits.

There is no cost to this Project Labor Agreement.

We thank you for your consideration.

Sincerely,

Larry I. Slatky  
Executive Director

cc: Frank Commisso, Majority Leader  
Frank Mauriello, Minority Leader  
F. Patrick Jeffers, Majority Counsel  
Annis Zilgme, Minority Counsel

**FOR COUNSEL USE ONLY**

Date Received: \_\_\_\_\_  
Received by: \_\_\_\_\_  
Method: Hand: \_\_\_\_\_  
Courier: \_\_\_\_\_  
Mail: \_\_\_\_\_

**REQUEST FOR LEGISLATIVE ACTION**

*RLA #2551: Project Labor Agreement for Albany County Nursing Home*

**DATE:** Thursday, October 05, 2017  
**DEPARTMENT:** Nursing Home  
Contact Person: Larry Slatky, Executive Director  
Telephone: \_\_\_\_\_  
Dept. Representative Attending Committee Meeting: Larry Slatky, Director

**PURPOSE OF REQUEST:**

Adopting of Local Law \_\_\_\_\_  
Amendment of Prior Legislation \_\_\_\_\_  
Approval/Adoption of Plan/Procedure \_\_\_\_\_  
Bond Approval \_\_\_\_\_  
Budget Amendment (see below) \_\_\_\_\_  
Contract Authorization (see below)   X    
Environmental Impact \_\_\_\_\_  
Home Rule Request \_\_\_\_\_  
Property Conveyance \_\_\_\_\_  
Other: (State briefly if not listed above) \_\_\_\_\_

**CONCERNING BUDGET AMENDMENTS**

**STATE THE FOLLOWING:**

Increase Account/Line No. \_\_\_\_\_  
Source of Funds: \_\_\_\_\_  
Title Change: \_\_\_\_\_

**CONCERNING CONTRACT AUTHORIZATION**

**STATE THE FOLLOWING:**

**TYPE OF CONTRACT:**

Change Order/Contract Amendment \_\_\_\_\_  
Purchase (Equipment/Supplies) \_\_\_\_\_  
Lease (Equipment/Supplies) \_\_\_\_\_  
Requirements Professional Services   X    
Education/Training \_\_\_\_\_  
Grant: \_\_\_\_\_  
    New \_\_\_\_\_  
    Renewal \_\_\_\_\_  
    Submission Deadline Date \_\_\_\_\_  
Settlement of a Claim \_\_\_\_\_  
Release of Liability \_\_\_\_\_  
Other: (State briefly) \_\_\_\_\_

**CONCERNING CONTRACT AUTHORIZATION (Cont'd)**

**STATE THE FOLLOWING:**

Contract Terms/Conditions:

Party (Name/Address) Greater Capital Region Building and Construction Trades Council  
890 3rd Street  
Albany, New York 12206

Amount/Raise Schedule/Fee \$0.00

Scope of Services This Agreement shall only apply to Project Work as defined in this Article.

Subject to the exclusions in this Article, Project Work means that work defined as the Albany County Residential Health Care Facility Renovations as delineated by construction contract documents, and includes (i) on-site work performed at the physical location where the final building or structure will remain; (ii) work performed for the Project at an off-site facility, preparation area, staging area, batch plant or assembly yard, regardless of location, provided that (a) the work performed at the off-site location is normally or customarily done at the project site; or (b) the off-site location is designed exclusively or nearly exclusively to serve the needs of the project, and the work performed at the off-site location is critical to the needs of the project.

(see PLA Article 3 for full scope of work)

Contract Funding:

Bond Res. No.: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

**CONCERNING ALL REQUESTS:**

Mandated Program/Service: Yes

If Mandated Cite: Authority New York State Department of Health

Anticipated in Current Adopted Budget Yes

County Budget Accounts:

Revenue

Appropriation

Account Code	Line	Amount
NH6020	HNN	\$0.00

Fiscal Impact - Funding: (Dollars or Percentages)

Federal 0%

State 0%

County 100%

Local 0%

Term/Length of Funding: 36 Months (11/1/2017 - 10/31/2020)

Impact on Pending Litigation No

If yes, please explain: \_\_\_\_\_

Previous Requests for Identical or Similar Action

Resolution/Law Number \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Justification: (State briefly why legislative action is requested)

Albany County has carefully reviewed and considered Seeler's Report (see attachment) and will pass a



duly authorized resolution in November 2017, which finds, among other things, that County's interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, preventing the impact of delay, avoiding labor unrest, and gaining measurable management flexibility and benefits are best met by requiring a Project Labor Agreement and, therefore, directs that a Project Labor Agreement be made part of the Project; and

This Project Labor Agreement will foster the achievement of these goals, inter alia, by:

- (1) providing a mechanism for achieving the most cost efficient means of construction, including direct labor cost savings;
- (2) avoiding the costly delays of potential strikes, slowdowns, walkouts, picketing and other disruptions arising from work disputes and promoting labor harmony and peace for the duration of the Project;
- (3) standardizing the terms and conditions governing the employment of labor on the Project;
- (4) permitting wide flexibility in work scheduling and shift hours and times;
- (5) providing comprehensive and standardized mechanisms for the settlement of work disputes, including those relating to jurisdiction;
- (6) furthering public policy objectives as to improved employment opportunities for minorities, women and the economically disadvantaged in the construction industry; and
- (7) ensuring a reliable source of skilled and experienced labor and,

WHEREAS, the signatory Unions desire the stability, security and work opportunities afforded by a Project Labor Agreement; and

WHEREAS, the Parties desire to maximize Project safety conditions relating to the Project.

Back-up Material Submitted: (i.e., application/approval notices from funding source, bid tabulation sheet, civil service approval notice, program announcement, contracts and/or any materials which explain or support the request for legislative action.)

<http://acvsp2010/sites/CALM/Lists/RLA/Attachments/2551/Albany County Nursing Home Project Labor Agreement.pdf>

<http://acvsp2010/sites/CALM/Lists/RLA/Attachments/2551/RLA PLA Cvr Ltr 10-17.docx>

<http://acvsp2010/sites/CALM/Lists/RLA/Attachments/2551/NYS Building and Construction Trades Council PLA Determination.pdf>

<http://acvsp2010/sites/CALM/Lists/RLA/Attachments/2551/Seeler Residential Health Care Facility PLA Due Diligence Study Report 2017-10-05.pdf>

Submitted by:	<u>Larry Slatky</u>
Title:	<u>Director</u>



**NEW YORK STATE  
BUILDING AND CONSTRUCTION TRADES COUNCIL**  
AFFILIATED WITH BUILDING AND CONSTRUCTION TRADES DEPARTMENT AFL-CIO  
50 State Street, Third Floor, Albany, NY 12207 • Phone 518/435-9108 • Fax 518/435-9204

## PLA Determination

**PLA:** Albany County Nursing Home

**Submitted by:** Jeff Stark, Greater Capital Region Building & Construction Trades Council

**Date:** October 10, 2017

Please be advised that the NYS Building & Construction Trades Council has reviewed the above-referenced Project Labor Agreement and has made the following determination:

- The PLA is APPROVED
- The PLA will be approved once the following changes are made:
- The PLA cannot be approved at this time. Please refer to concerns listed below:

Sincerely,

James W. Cahill  
President

**RESOLUTION NO. 512****AUTHORIZING A PROJECT LABOR AGREEMENT FOR THE ALBANY COUNTY NURSING HOME PROJECT**

Introduced: 12/4/17

By Public Works Committee and Mr. Clenahan:

WHEREAS, The County Executive has submitted and recommended approval of a proposed Project Labor Agreement (the "PLA") for the Albany County Nursing Home Project (the "Project"), and

WHEREAS, A study by Seeler Engineering, P.C. undertook an analysis of project labor considerations relevant to the project and concluded that a PLA could be beneficial for the Project by creating uniformity in work rules and staffing requirements, uniformity in the settlement of any work disputes, a reliable source of skilled and experienced labor, and obtaining the best work at the lowest prices, and

WHEREAS, The PLA could provide cost savings through avoidance of costly delays associated with potential strikes, slow-downs, walk-outs or other labor disputes and a no strike provision increasing the likelihood of completing the project on a timely basis, flexibility in work hours rather than overtime, increased use of apprentices working at lower rates, the use of working foreman and supervisors, and

WHEREAS, A PLA for the Project would be in the public interest based on the unique features of the Project and as a means of obtaining the best work at the lowest possible price, and

WHEREAS, The proposed PLA requires the Unions to use their best efforts to recruit Albany County residents for the project and to recruit and refer minority and female applicants to its apprenticeship programs and establishes goals for Minority Business Participation (15%), Women Owned Business Participation (8%), Minority and Female Labor Participation (15%) for aggregate hours worked and each craft shall individual use its best efforts to achieve the goal, now, therefore be it

RESOLVED, That the Albany County Legislature finds that entering the proposed PLA for the Project is warranted by the unique features of the Project and is in the best interests of the public since it will facilitate the completion of the Project with as little delay, disruption and inconvenience as is possible and will result in significant savings of Project costs, and, be it further

RESOLVED, That the Albany County Executive is authorized to execute a Project Labor Agreement on behalf of Albany County for the Albany County Nursing Home Project, 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 forward certified copies of this resolution to the appropriate County officials.

*Adopted by unanimous vote. 12/4/17*

IN WITNESS WHEREOF the parties have caused this Agreement to be executed and effective as of the 16 day of October, 2017

For: The Construction Manager

BY: \_\_\_\_\_  
(Name/Title)

For: Greater Capital Region Building Trades

BY: \_\_\_\_\_  
(Name/Title)

Approved National Building Trades October 5, 2017

Approved NYS B&CTC October 10, 2017

**FOR THE LOCAL UNIONS**

INTERNATIONAL ASSOCIATION OF BRICKLAYERS & MASONS, LOCAL NO.2

BY: \_\_\_\_\_  
(Name/Title) *Field Rep/Training Director*

NORTHEAST REGIONAL COUNCIL OF CARPENTERS, LOCAL 291

BY: \_\_\_\_\_  
(Name/Title) *Team Lead*

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL NO. 236

BY: \_\_\_\_\_  
(Name/Title) *Bus/mvc*

INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS, LOCAL 35

BY: \_\_\_\_\_  
(Name/Title) *Business Manager*

INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS LOCAL NO. 12

BY: \_\_\_\_\_  
(Name/Title) *President*

LABORERS INTERNATIONAL UNION OF NORTH AMERICA, LOCAL NO. 190

BY: [Signature]  
(Name/Title)

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 158

BY: Michl Rys - DISTRICT MANAGER  
(Name/Title)

INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, GLAZERS,  
ARCHITECTURAL METAL AND GLASS WORKERS DISTRICT COUNCIL NO. 9

BY: [Signature]  
(Name/Title)

UNITED ASSOCIATION OF JOURNEY AND APPRENTICES OF THE PLUMBING  
AND PIPEFITTING INDUSTRY LOCAL NO. 7

BY: [Signature]  
(Name/Title)

UNITED UNION OF ROOFERS, WATERPROOFERS AND ALLIED WORKERS  
LOCAL NO. 241

BY: [Signature] Business Manager  
(Name/Title)

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL NO. 83

BY: Mark E. Landon Bus. Mgr. & President  
(Name/Title)

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS,  
WAREHOUSEMEN AND HELPERS LOCAL NO. 294

BY: [Signature]  
(Name/Title)

INTERNATIONAL ASSOCIATION OF HEAT AND FROST INSULATORS AND  
ALLIED WORKERS, LOCAL 40

BY: [Signature]  
(Name/Title)

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIPBUILDERS,  
BLACKSMITHS, FORGERS AND HELPERS LOCAL 5

BY: [Signature] Assistant Business Manager  
(Name/Title)

By [Signature] Business Agent  
Sprinklerfitters Local 609  
(Name/Title)

MILLWRIGHTS LOCAL UNION 1163

By: [Signature] Regional Director  
(Name/Title)

OPERATIVE PLASTERERS LOCAL 9 & CEMENT MASONS INTERNATIONAL  
ASSOCIATION LOCAL 780

BY: [Signature] Business Manager  
(Name/Title) Plasterers Local #9

**RESOLUTION NO. 216**

**AUTHORIZING A ONE-TIME AMNESTY PERIOD FOR REDUCTION OF INTEREST CHARGED ON DELINQUENT PROPERTY TAXES**

Introduced: 6/8/20

By Mr. Commisso:

WHEREAS, The ongoing coronavirus pandemic has greatly impacted the expected revenues for the 2020 Fiscal Year for the County of Albany, which are necessary in order to maintain the functions and services of government that many rely upon, and

WHEREAS, In an effort to reduce the budget deficit facing Albany County, this Honorable Body has proposed to offer a one-time amnesty period to provide taxpayers a brief 90 day period to clear past-due taxes at a lowered interest rate, and

WHEREAS, During the proposed amnesty period, intended to motivate payments, the interest rate on unpaid delinquent taxes will be reduced by half from 1% added per month to .5% added, and

WHEREAS, There is proposed a handling fee of \$100 per property for all properties in which more than \$1,000 is owed in taxes, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to implement a one-time amnesty period from August 1, 2020 to October 31, 2020 for the reduction of interest charged on delinquent property taxes, and, be it further

RESOLVED, That the County Attorney is authorized to approve as to form and content agreements and documents necessary for the implementation of the aforementioned amnesty program, 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.



## LOCAL LAW NO. "D" FOR 2020

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW 3 FOR 2010 AND AUTHORIZING THE COUNTY EXECUTIVE TO NEGOTIATE A LEASE AGREEMENT OF PROPERTY OWNED BY ALBANY COUNTY WITH THE SHAKER HERITAGE SOCIETY NOT TO EXCEED FIFTY YEARS, SUBJECT TO THE APPROVAL OF THE ALBANY COUNTY LEGISLATURE**

Introduced: 6/8/20

By Mr. Bruschi:

BE IT ENACTED by the County Legislature of the County of Albany, pursuant to Section 33 of the Municipal Home Rule Law, as follows:

### SECTION 1. Repeal of Local Law 2 for 2010

Local Law 2 for 2010, "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" is repealed.

### SECTION 2. Direct Lease

Notwithstanding Section 215 of the New York State County Law, the County Executive of Albany County is hereby authorized to negotiate lease agreements for real and personal property owned by Albany County with the Shaker Heritage Society for an original term not to exceed fifty (50) years, said lease term to be coterminous with any initial funding repayment term, subject to the approval by the Albany County Legislature.

### SECTION 3. Severability

If any article, section, subsection, 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 portions hereof.

### SECTION 4. Effective Date

This Local Law is adopted subject to permissive referendum pursuant to Section 24 of the New York State Municipal Home Rule Law.

**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. 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]ing 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.