

County of Albany

Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207



Meeting Agenda

Wednesday, July 28, 2021

6:00 PM

**Harold L. Joyce Albany County Office Building
Room 730**

Law Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. REQUESTING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO MAINTAIN PORTIONS OF MOHAWK-HUDSON BIKE-HIKE TRAIL
3. LOCAL LAW NO. "A" FOR 2021: A LOCAL LAW RELATING TO THE PROCEDURES FOR THE ESTABLISHMENT, OPERATION, MODIFICATION, AND DISESTABLISHMENT OF TOURISM IMPROVEMENT DISTRICTS IN ALBANY COUNTY
4. LOCAL LAW NO. "D" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, THE RESTAURANT PROTECTION LAW, IN RELATION TO THIRD-PARTY DELIVERY SERVICES
5. A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)
6. A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

CURRENT BUSINESS:

7. AUTHORIZING AGREEMENTS REGARDING ALBANY COUNTY INSURANCE COVERAGE
8. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING THE VICTIM AND WITNESS ASSISTANCE GRANT PROGRAM

County of Albany

*Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207*



Meeting Minutes

Wednesday, June 30, 2021

6:00 PM

**Harold L. Joyce Albany County Office Building
Room 730**

Law Committee

PREVIOUS BUSINESS:

Present: Legislator Victoria Plotsky, David B. Mayo, Matthew T. Peter, Bill L. Ricard, Paul J. Burgdorf, Jennifer A. Whalen and Jeffrey D. Kuhn

Excused: Legislator Joanne Cunningham and Dennis A. Feeney

1. APPROVING PREVIOUS MEETING MINUTES

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

2. REQUESTING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO MAINTAIN PORTIONS OF MOHAWK-HUDSON BIKE-HIKE TRAIL

This proposal was tabled at the request of the Sponsor.

3. LOCAL LAW NO. "A" FOR 2021: A LOCAL LAW RELATING TO THE PROCEDURES FOR THE ESTABLISHMENT, OPERATION, MODIFICATION, AND DISESTABLISHMENT OF TOURISM IMPROVEMENT DISTRICTS IN ALBANY COUNTY

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

4. LOCAL LAW NO. "D" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, THE RESTAURANT PROTECTION LAW, IN RELATION TO THIRD-PARTY DELIVERY SERVICES

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

5. A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)

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

CURRENT BUSINESS:**6. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "G" FOR 2021: A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM**

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

7. A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING

PROGRAM

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

8. 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.

9. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE AID TO DEFENSE PROGRAM

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

10. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE GUN INVOLVED VIOLENCE ELIMINATION GRANT

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

11. AMENDING RESOLUTION NO. 94 FOR 2020 REGARDING THE AID TO PROSECUTION PROGRAM

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

12. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE CRIMES AGAINST REVENUE PROGRAM

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

13. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM

This Resolution was positive recommendation.

14. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL

JUSTICE SERVICES REGARDING THE AID TO PROSECUTION
PROGRAM

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

A motion was made to go into executive session for the purpose of discussing the settlement of pending lawsuits. The motion was adopted unanimously.

A motion was made to come out of executive session. The motion was adopted unanimously.

15. AUTHORIZING THE SETTLEMENT OF A LAWSUIT

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

16. AUTHORIZING THE SETTLEMENT OF A LAWSUIT

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

RESOLUTION NO. 168

REQUESTING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO MAINTAIN PORTIONS OF MOHAWK-HUDSON BIKE-HIKE TRAIL

Introduced: 5/10/21

By Messrs. O'Brien, Mayo, Bruschi, Ms. Cunningham, Messrs. Ricard, A. Joyce, Beston, Cleary, Domalewicz, Ethier, Mss. Lekakis and Plotsky:

WHEREAS, the New York State Department of Transportation (NYSDOT) and Federal Highway Administration authorized the development of the land between I-787 and the Hudson River from Colonie Street in the City of Albany to the Hudson Shores Park in the City of Watervliet for recreational use and as a bikeway section of the Mohawk Hudson Greenway, thereafter designated the Mohawk-Hudson Bike-Hike Trail, and;

WHEREAS, the County of Albany and the NYSDOT thereafter entered into an agreement wherein the County would maintain the bike path, including the landscape adjacent to the asphalt path, in this section, an agreement which has since expired, and;

WHEREAS, the NYSDOT has been responsible for the maintenance of the bikeway and landscape adjacent to the asphalt path along this section of the Mohawk Hudson Bike-Hike Trail since the expiration of the prior agreement, and

WHEREAS, the bikeway has apparently fallen into disrepair and the citizens of Albany County, as well as the surrounding communities, would benefit from the recreational use of the public lands, and

WHEREAS, it would be in the interest of the general public for certain portions of the Mohawk-Hudson Bike-Hike Trail between the City of Albany at Colonie Street to the Hudson Shores Park in Watervliet to be maintained by the County of Albany, and

WHEREAS, any agreement entered into shall direct that all highway and highway related maintenance for I-787 remains the responsibility of the NYSDOT, including but not limited to the structural integrity of right-of-way fencing and highway related feature, and

WHEREAS, any agreement entered into shall direct that the asphalt surface shall remain the obligation of the NYSDOT, now, therefore, be it

RESOLVED, the County Executive is requested to enter into an agreement with the New York State Department of Transportation to allow the County of Albany maintain portions of the Mohawk-Hudson Bike-Hike Trail, on the public lands between I-787 and the Hudson River, from the northerly boundary of the City of Albany to and including the northerly terminus known as the Fourth Street parking area in the City of Watervliet, and, be it further

RESOLVED, that pursuant to any agreement, the County shall maintain the areas adjacent to the asphalt bikeway shared-use path, but not the asphalt surface itself, including pavement markings, bollards, signage, lighting, trash receptacles, benches, tables, animal carcass removal, grass and woody areas including mowing, trimming and the removal of felled trees and limbs, etc. in the area bounded by ROW fencing along I-787 to the top of the slope at the river's edge; and be it further

RESOLVED, that pursuant to any agreement, the County may acquire and maintain portable restroom facilities along the Mohawk-Hudson Bike-Hike Trail between the cities of Albany and Watervliet; and be it further

RESOLVED, that the County should endeavor to seek out any potential grant funding available to it from the state or federal governments for the purposes of further enhancing the great asset that is the Mohawk-Hudson Bike-Hike Trail; and be it further

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

Referred to Law Committee – 5/10/21

LOCAL LAW NO. "A" FOR 2021

A LOCAL LAW RELATING TO THE PROCEDURES FOR THE ESTABLISHMENT, OPERATION, MODIFICATION, AND DISESTABLISHMENT OF TOURISM IMPROVEMENT DISTRICTS IN ALBANY COUNTY

Introduced: 2/8/21

By Mr. Efekoro, Mss. Cunningham, Plotsky, Messrs. Miller, Cleary and Reinhardt:

WHEREAS, it is in the public interest to promote the economic improvement of Businesses within the County in order to create jobs, attract new Businesses, increase local revenue and promote tourism; and

WHEREAS, it is of particular local benefit to allow Businesses to fund business related services through the levy of Assessments upon the Businesses that receive benefits from those services; and

WHEREAS, Assessments levied for the purpose of conferring benefits upon the tourism Businesses in a Tourism Improvement District shall be related to the costs of providing the services within the Tourism Improvement District and shall not be taxes for the general benefit of the County; and

WHEREAS, it is the desire of the Albany County Legislature to create a mechanism to allow certain Businesses to initiate the formation of Tourism Improvement Districts for the purpose of providing enhanced services for the benefit of those Businesses within the Tourism Improvement District; and

WHEREAS, the Albany County Legislature determines that the establishment, operation, modification, and disestablishment of Tourism Improvement Districts within the County of Albany is a matter of local concern.

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ALBANY COUNTY AS FOLLOWS:

Section 1. Purpose.

The purpose of this law is to establish the procedure for the establishment, operation, modification, and disestablishment of Tourism Improvement Districts within the County, and to ensure that Tourism Improvement District assessments conform to all constitutional requirements and are determined and levied in accordance with the procedure set forth in this law.

Section 2. Severability.

This law is intended to be construed liberally and, if any clause, paragraph, subdivision, section, or part of this law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. Definitions.

“Assessment” - means a levy for the purpose of providing Activities and Improvements that will provide benefits to Businesses located within a Tourism Improvement District that are subject to the Tourism Improvement District Assessment. Assessments may be based on a percent of gross business revenue, a fixed dollar amount per transaction, or any other reasonable method approved by the County Legislature.

“Business” - means the type or category of business that is described in the Tourism Improvement District plan and the resolution creating a Tourism Improvement District.

“Business Owner” - means any person recognized by the County as the owner of the Business. The County has no obligation to obtain other information as to the ownership of businesses, and its determination of ownership shall be final and conclusive for the purposes of this law. Wherever this law requires the signature of the Business Owner, the signature of the authorized representative of the Business Owner shall be sufficient.

“Clerk” - means the County Clerk.

“County” - means the County of Albany.

“County Legislature” - means the governing body of the County.

“Local Improvement” - means, but is not limited to, all of the following that benefit Businesses in the Tourism Improvement District:

- (a) Promotion of Business activity, including but not limited to tourism, of Businesses subject to the Assessment within the Tourism Improvement District.

- (b) Other services provided for the purpose of conferring benefits upon Businesses located in the Tourism Improvement District that are subject to the Tourism Improvement District Assessment including, but not limited to, transportation services.
- (c) The acquisition, construction, installation, or maintenance of any tangible property.

“Owners’ Association” - means a private nonprofit entity that is under contract with the County to administer the Tourism Improvement District and implement Activities and Improvements specified in the Tourism Improvement District Plan. An Owners’ Association shall have full discretion to select the specific Activities and Improvements to be funded with Tourism Improvement District Assessment revenue, within the authorized parameters of the Tourism Improvement District Plan. An Owners’ Association may be an existing nonprofit entity or a newly formed nonprofit entity. An Owners’ Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose.

“Tourism Improvement District” - means a Tourism Improvement District established pursuant to this law.

“Tourism Improvement District Plan” - means a proposal as defined in Section 5.

Section 4. Establishment of Tourism Improvement District.

A Tourism Improvement District may be established as provided in this law.

Section 5. Contents of Tourism Improvement District Plan.

The Tourism Improvement District Plan shall include, but is not limited to, all of the following:

- (a) A map that identifies the Tourism Improvement District boundaries in sufficient detail to allow a Business Owner to reasonably determine whether a Business is located within the Tourism Improvement District boundaries. The boundaries of a Tourism Improvement District may overlap with other Tourism Improvement Districts established pursuant to this law.
- (b) The name of the proposed Tourism Improvement District.
- (c) The Activities and Improvements proposed for each year of operation of the Tourism Improvement District and the estimated cost thereof. If the Activities and Improvements proposed for each year of operation are the

same, a description of the first year's proposed Activities and Improvements and a statement that the same Activities and Improvements are proposed for subsequent years shall satisfy the requirements of this subsection.

- (d) The estimated annual amount proposed to be expended for Activities and Improvements in each year of operation of the Tourism Improvement District. This amount may be estimated based upon the Assessment rate. If the estimated annual amount proposed to be expended in each year of operation of the Tourism Improvement District is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subsection.
- (e) The proposed source or sources of financing, including the proposed method and basis of levying the Assessment in sufficient detail to allow each Business Owner to calculate the amount of the Assessment to be levied against his or her Business. The Tourism Improvement District Plan may set forth specific increases in assessments for each year of operation of the Tourism Improvement District.
- (f) The time and manner of collecting the Assessments and any interest and/or penalties for non-payment.
- (g) The specific number of years in which Assessments will be levied. In a new Tourism Improvement District, the maximum number of years shall be ten (10). In a renewed Tourism Improvement District, the maximum number of years shall be ten (10).
- (h) Any proposed rules and regulations to be applicable to the Tourism Improvement District.
- (i) A definition describing the type or category of Businesses to be included in the Tourism Improvement District and subject to the Tourism Improvement District Assessment.
- (j) Any other item or matter required to be incorporated therein by the County Legislature.

Section 6. Initiation of Proceedings; Petition of Business Owners in Proposed Tourism Improvement District

- (a) Petitions, with a signature of assessed Business Owners or their duly authorized representatives, shall be returned to the County Legislature.

- (b) The County Legislature may initiate proceedings to form a Tourism Improvement District by the adoption of a resolution expressing its intention to form a Tourism Improvement District, if it determines that:
- i) Assessed Businesses representing over fifty percent (50%) of the sleeping rooms in the proposed Tourism Improvement District, which also represent over fifty percent (50%) of all assessed Businesses by number within the proposed Tourism Improvement District, have submitted petitions in favor of the formation of the Tourism Improvement District; or
 - ii) Assessed Businesses who will pay more than fifty percent (50%) of the Assessments proposed to be levied, which also represent over fifty percent (50%) of all assessed Businesses by number within the proposed Tourism Improvement District, have submitted petitions in favor of the formation of the Tourism Improvement District.
- (c) The petition of Business Owners required under subsection (a) shall include a summary of the Tourism Improvement District Plan. That summary shall include all of the following:
- i) A map showing the boundaries of the Tourism Improvement District.
 - ii) The types or categories of Businesses that will be subject to the Assessment.
 - iii) The Assessment rate for each type or category of Business that will be subject to the Assessment.
 - iv) Information specifying where the complete Tourism Improvement District Plan can be obtained.
 - v) Information specifying that the complete Tourism Improvement District Plan shall be furnished upon request.
- (d) The resolution of intention described in subsection (a) shall contain all of the following:
- i) A brief description of the proposed Activities and Improvements, the amount of the proposed Assessment, a statement describing the Businesses within the proposed Tourism Improvement District that will be subject to the Assessment, and a description of the exterior boundaries of the proposed Tourism Improvement District, which may be made by reference to any plan or map that is on file with the Clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable a Business Owner to generally identify the nature and extent of the Activities and Improvements, and the location and extent of the proposed Tourism Improvement District.

- ii) A time and place for a public hearing on the establishment of the Tourism Improvement District and the levy of Assessments, which shall be consistent with the requirements of Section 7.

Section 7. Procedure to Establish or Renew a Tourism Improvement District and Levy Assessment.

- (a) If the County Legislature has adopted a resolution of intention to establish or renew a Tourism Improvement District and levy a new or increased Tourism Improvement District Assessment, it shall hold a public hearing on the establishment or renewal of the Tourism Improvement District prior to adoption of the resolution establishing or renewing the Tourism Improvement District and levying the Assessment. Notice of the public hearing shall be mailed to the owners of the Businesses proposed to be subject to the Assessment.
- (b) The County Legislature shall provide at least thirty (30) days' written notice of the public hearing at which the County Legislature proposes to establish or renew the Tourism Improvement District and levy the Assessment.
- (c) A protest may be made by any Business Owner that will be subject to the proposed Assessment. Every protest must be in writing and shall be filed with the Clerk at or before the time fixed for the public hearing. The County Legislature may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the Business in which the person subscribing the protest is interested sufficient to identify the Business and, if a person subscribing is not shown on the official records of the County as the owner of the Business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the Business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from Business Owners representing more than fifty percent (50%) of the same basis used to determine the petition in Section 6 (a) and protests are not withdrawn so as to reduce the protests to less than fifty percent (50%), no further proceedings to levy the proposed Assessment against such Businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the County Legislature.

Section 8. Changes to Proposed Tourism Improvement District Plan

At the conclusion of the public hearing to establish or renew the Tourism Improvement District, the County Legislature may adopt, revise, change, reduce, or modify the proposed Assessments, the boundaries of the Tourism Improvement District, or the types or categories of Businesses within the Tourism Improvement District subject to the Assessment. Proposed Assessments may only be revised by reducing any or all of them. The proposed Tourism Improvement District boundary may only be revised to exclude territory that will not benefit from the proposed Activities and Improvements. The types or categories of Businesses that will be subject to the proposed Assessment may only be revised to exclude the Business types or categories that will not benefit from the proposed Activities and Improvements. Any modifications, revisions, reductions, or changes to the proposed Tourism Improvement District Plan shall be reflected in the Tourism Improvement District Plan prior to the County Legislature' adoption of the resolution creating or renewing the Tourism Improvement District.

Section 9. Resolution Establishing or Renewing a Tourism Improvement District

- (a) If the County Legislature, following the public hearing, decides to establish or renew a proposed Tourism Improvement District, the County Legislature shall adopt a resolution of formation or renewal that shall include, but is not limited to, all of the following:
 - i) A brief description of the proposed Activities and Improvements, the amount of the proposed Assessment, a statement as to the types or categories of Businesses that will be subject to the Assessment, and a description of the exterior boundaries of the Tourism Improvement District, which may be made by reference to any plan or map that is on file with the County Clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the Activities and Improvements and the location and extent of the Tourism Improvement District.
 - ii) The number, date of adoption, and title of the resolution of intention.
 - iii) The time and place where the public hearing was held concerning the establishment or renewal of the Tourism Improvement District.
 - iv) A determination regarding any protests received. The County Legislature shall not establish or renew the Tourism Improvement District or levy Assessments if a majority protest was received.
 - v) A statement that the Businesses in the Tourism Improvement District established by the resolution shall be subject to any amendments to this law.
 - vi) A statement that the Activities and Improvements to be conferred on Businesses in the Tourism Improvement District will be funded by the levy of Assessments. The revenue from the levy of Assessments within a Tourism Improvement District shall not be used to for any purpose

other than the purposes specified in the Tourism Improvement District Plan, as modified by the County Legislature at the hearing concerning establishment or renewal of the Tourism Improvement District.

- vii) A finding that the Businesses within the Tourism Improvement District will be benefited by the Activities and Improvements funded by the Tourism Improvement District Assessments.

- (b) The adoption of the resolution of formation or renewal shall constitute the levy of Assessments in each of the fiscal years referred to in the Tourism Improvement District Plan.

Section 10. Expiration of Tourism Improvement District; Creation of new Tourism Improvement District Plan; Renewal of Tourism Improvement District.

If a Tourism Improvement District expires due to the time limit set pursuant to subsection (g) of Section 5, a new Tourism Improvement District Plan may be created and the Tourism Improvement District may be renewed pursuant to this law.

Section 11. Time and Manner of Collection of Assessments; Delinquent Payments.

The collection of the Assessments levied pursuant to this law shall be made at the time and in the manner set forth by the County Legislature in the resolution establishing or renewing the Tourism Improvement District and levying the Assessments. All delinquent payments for Assessments levied pursuant to this part may be charged interest and penalties.

Section 12. Time for Contesting Validity of Assessment.

The validity of an Assessment levied under this law shall not be contested in any action or proceeding unless the action or proceeding is commenced within thirty (30) days after the resolution establishing or renewing a Tourism Improvement District and levying the Assessment is adopted pursuant to Section 9. Any appeal from a final judgment in an action or proceeding shall be perfected within thirty (30) days after the entry of judgment.

Section 13. Certification to Establish Levels of County Services and Funding.

Prior to the establishment of a Tourism Improvement District, the County Legislature may certify the levels of County services and funding that will continue after a Tourism Improvement District has been formed.

Section 14. Request to Modify Tourism Improvement District Plan.

The owners' association may, at any time, request that the County Legislature modify the tourism improvement district plan. Any modification of the tourism improvement district plan shall be made pursuant to this law. The tourism improvement district plan shall not be modified, except by the request of the Owners' Association and only in the manner requested by the Owners' Association.

Section 15. Modification of Tourism Improvement District Plan by Resolution after Public Hearing; Adoption of Resolution of Intention.

- (a) Upon the written request of the Owners' Association, the County Legislature may modify the Tourism Improvement District Plan after conducting one (1) public hearing on the proposed modifications. The County Legislature may modify the Activities and Improvements to be funded with the revenue derived from the levy of the Assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of new or increased Assessments, the County Legislature shall comply with Section 7. Notice of all other public hearings pursuant to this section shall comply with both of the following:
 - i) The resolution of intention shall be published in a newspaper of general circulation in the County once at least seven (7) days before the public hearing.
 - ii) A complete copy of the resolution of intention shall be mailed by first class mail, at least ten (10) days before the public hearing, to each Business Owner affected by the proposed modification.
- (b) The County Legislature shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than ninety (90) days after the adoption of the resolution of intention.

Section 16. Report by Owners' Association; Approval or Modification by County Legislature.

- (a) The Owners' Association shall cause to be prepared a report for each fiscal year, except the first year, for which Assessments are to be levied and collected to pay the costs of the Activities described in the report. The Owners' Association's first report shall be due ninety (90) days after the first year of operation of the Tourism Improvement District.
- (b) The report shall be filed with the Clerk and shall refer to the Tourism Improvement District by name, specify the fiscal year to which the report

applies, and, with respect to that fiscal year, shall contain all of the following information:

- i) The Activities and Improvements to be provided for that fiscal year.
 - ii) An estimate of the cost of providing the Activities and Improvements for that fiscal year.
 - iii) The method and basis of levying the Assessments in sufficient detail to allow each Business Owner to estimate the amount of the assessment to be levied against his or her Business for that fiscal year.
 - iv) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- (c) The County's Department of Audit and Control shall, upon requests the Owners Association for a copy of all reports and documents provided under this Section.

Section 17. Designation of Owners' Association to Provide Activities and Improvements

The Tourism Improvement District Plan may, but is not required to, state that an Owners' Association will provide the Activities and Improvements described in the Tourism Improvement District Plan. If the Tourism Improvement District Plan designates an Owners' Association, the County Legislature shall contract with the designated nonprofit corporation to provide Activities and Improvements in the Tourism Improvement District.

Section 18. Renewal of Tourism Improvement District; Transfer or Refund of Remaining Revenues

- (a) Any Tourism Improvement District previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this law.
- (b) Upon renewal, any remaining revenues derived from the levy of Assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed Tourism Improvement District.
- (c) There is no requirement that the boundaries, Assessments, Activities, or Improvements of a renewed Tourism Improvement District be the same as the original or prior Tourism Improvement District.

Section 19. Circumstances Permitting Disestablishment of Tourism Improvement District; Procedure.

- (a) Any Tourism Improvement District established or extended pursuant to the provisions of this law, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the Tourism Improvement District, may be disestablished by resolution by the County Legislature in either of the following circumstances:
- i) If the County Legislature finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the Tourism Improvement District, it shall notice a hearing on disestablishment.
 - ii) During the operation of the Tourism Improvement District, there shall be a thirty (30) day period in which Businesses subject to the Assessment may request disestablishment of the Tourism Improvement District. The first such period shall begin two (2) years after the date of establishment of the Tourism Improvement District and shall continue for thirty (30) days. Each successive year of operation of the Tourism Improvement District shall have such a thirty (30) day period. Upon the written petition of Business Owners representing more than fifty percent (50%) of the same bases used to determine the petition in Section 6 (a), the County Legislature shall pass a resolution of intention to disestablish the Tourism Improvement District. The County Legislature shall notice a hearing on disestablishment.
- (b) The County Legislature shall adopt a resolution of intention to disestablish the Tourism Improvement District prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the Assessments levied within the Tourism Improvement District. The notice of the hearing on disestablishment required by this section shall be given by mail to the owner of each Business subject to Assessments in the Tourism Improvement District. The County Legislature shall conduct the public hearing not less than thirty (30) days after mailing the notice to the Business Owners. The public hearing shall be held not more than sixty (60) days after the adoption of the resolution of intention. At the conclusion of the public hearing, the County Legislature shall adopt a resolution disestablishing the Tourism Improvement District.

Section 20. Refund of Remaining Revenues upon Disestablishment or Expiration without renewal of Tourism Improvement District; Calculation of Refund; Use of Outstanding Revenue Collected after Disestablishment of Tourism Improvement District.

Upon the disestablishment or expiration without renewal of a Tourism Improvement District, any remaining revenues, after all outstanding debts are paid, derived from the levy of Assessments, or derived from the sale of assets acquired with the revenues, shall be spent in accordance with the Tourism Improvement District Plan or shall be refunded to the owners of the Businesses then located and operating within the Tourism Improvement District in which Assessments were levied by applying the same method and basis that was used to calculate the Assessments levied in the fiscal year in which the Tourism Improvement District is disestablished or expires.

Section 21. SEQRA Compliance.

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section 22. Effective Date.

This local law shall take effect immediately.

Referred to Law and Economic Development Committees – 2/8/21
Favorable Recommendation Law Committee – 3/24/21
No Recommendation Economic Development Committee – 3/24/21
Referred to Law Committee – 4/12/21



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET, ROOM 1200
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

August 3, 2020

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce:

The Office of the Albany County Executive respectfully requests that the Legislature enact a Local Law enabling the establishment of Tourism Improvement Districts (TID) in Albany County. The attached draft Local Law outlines the procedures the establishment, operation, modification, and disestablishment of these Districts. Tourism Improvement Districts, similar to Business Improvement Districts, are self-assessments on businesses in order to fund marketing efforts to increase the number of overnight visitors to an area.

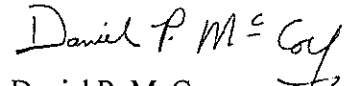
The Albany County Convention and Visitors Bureau (Discover Albany), in partnership with the County Executive's Office, has worked with local hotels to develop widespread support for this supplemental funding which will provide enhanced services for the benefit of businesses within a District. These services include, but are not limited to: (1) marketing, (2) sales, (3) visitor enhancements, and (4) destination enhancements.

Hotels rely on consistent and effective marketing to increase occupancy, fill meeting space, and increase visitation during the winter season. Limited marketing funding, relative to our competition, has resulted in lost tourism opportunities for Albany County in recent years. By supplementing Hotel Occupancy Tax funding with a two percent fee on room bills, a TID will allow Discover Albany to better compete for tourism without burdening County taxpayers.

Additionally, while protecting public health remains the top priority during COVID-19, the impact of the pandemic on the tourism industry cannot be overstated. Establishing the framework for a Tourism Improvement District is an important first step in the effort to help rebuild our tourism industry in Albany County.

If you should have any questions, please do not hesitate to contact me.

Sincerely


Daniel P. McCoy
Albany County Executive

cc: Hon. Dennis Feeney, Majority Leader
Hon. Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1746, Version: 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Enabling the Establishment of Tourism Improvement Districts in Albany County

Date: 8/1/2020
Submitted By: Lucas Rogers
Department: Office of the County Executive
Title: Senior Policy Analyst
Phone: 518-447-7040
Department Rep.
Attending Meeting: Lucas Rogers/Michael McLaughlin

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):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

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: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.

Length of Contract: Click or tap here to enter text.

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: Click or tap here to enter text.

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

Justification: (state briefly why legislative action is requested)

The Office of the Albany County Executive respectfully requests that the Legislature enact a Local Law enabling the establishment of Tourism Improvement Districts (TID) in Albany County. The attached draft Local Law outlines the procedures the establishment, operation, modification, and disestablishment of these Districts. Tourism Improvement Districts, similar to Business Improvement Districts, are self-assessments on businesses in order to fund marketing efforts to increase the number of overnight visitors to an area.

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Additionally, while protecting public health remains the top priority during COVID-19, the impact of the pandemic on the tourism industry cannot be overstated. Establishing the framework for a Tourism Improvement District is an important first step in the effort to help rebuild our tourism industry in Albany County.

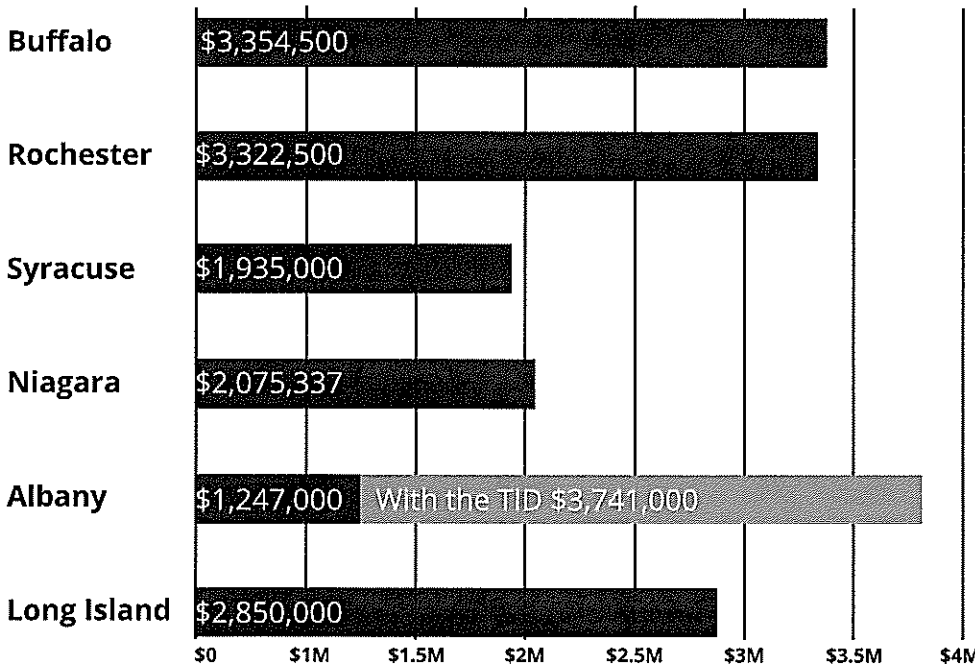
Albany County

TOURISM IMPROVEMENT DISTRICT (TID)

What is a TID?

A TID, or Tourism Improvement District, much like a Business Improvement District is a self-assessment on a business in order to fund marketing efforts which would increase the number of overnight visitors to the area.

Discover Albany is not asking the County for more money. They are asking the County to **allow them to raise their own additional funds**. This is how they will catch up to – and ultimately surpass – their competition.



*Based on pre-COVID-19 Occupancy Tax data.

Why is this in addition to the current HOT tax and not a Replacement?

This is supplemental funding - the hotels are self-imposing this assessment via a 2% fee on room bills in order to enhance the work that their current Occupancy Tax collections support. If you take away one, the remaining funds will be insufficient to achieve the goals of the destination. In addition, hotels will not be willing to self-assess without continuation to receive existing funding at the current rate which is their responsibility to collect.

How Discover Albany will use the TID to invest in Albany County Tourism?



DESTINATION ENHANCEMENTS



COVID-19 RECOVERY



Events lost due to lack of funding:

United Church Pentecost International	U.S. National Jump Rope Championships
New York State Association of Fire Chiefs	New York State Association of Professional Land Surveyors
Future Business Leaders of America	National Grange of the Order of the Patrons of Husbandry
Association of Food and Drug Officials	Drum Corp Championships
NYS Rural Water Association	Lions Club of New York

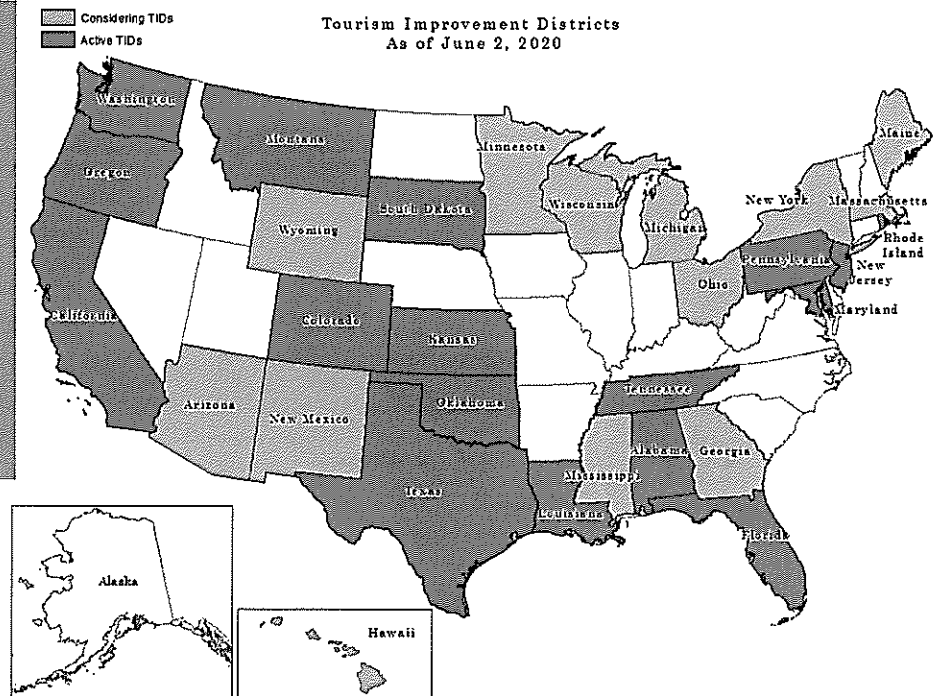
With the lack of marketing funds and focus, we have lost these events totaling over 22,000 room nights and \$17 million in economic impact to Albany County and local hotels. These hotels rely on consistent and creative marketing to:

- Increase Occupancy
- Fill Meeting Space
- Increase visitation during the winter season
- Increase annual REVPAR

It is Discover Albany's responsibility to ensure that hoteliers continue to see an increase in occupancy and ADR making this a viable destination for the investment for years to come.

Who else is doing it?

Each year, more than 180 tourism improvement districts throughout the United States raise more than \$430 million for destination marketing. There are currently active TIDs in 17 states, with the latest formation happening in Mobile, AL in May 2020.



LOCAL LAW NO. "D" FOR 2021

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, THE RESTAURANT PROTECTION LAW, IN RELATION TO THIRD-PARTY DELIVERY SERVICES

Introduced: 2/8/21

By Grimm, Mauriello, Lockart, Perlee, Burgdorf, Drake, Tunny, Whalen, A. Joyce, Feeney, Plotsky, Ricard, Peter, Lekakis, McLean Lane, Miller

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

SECTION 1.

Definitions:

(a) Agreement. The term "agreement" means a written contract between a food service establishment and a third-party food delivery service authorizing the inclusion of the food service establishment's menu or products on the third-party food delivery service's platform.

(b) Food service establishment. The term "food service establishment" means any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short-order cafe; delicatessen; luncheonette; grill; tearoom; sandwich shop; soda fountain; bar; tavern; cocktail lounge; night club; roadside stand; take-out prepared food place; retail bakery; industrial feeding establishment; private, public or nonprofit organization or institution, including: schools; nursing homes; day care centers and hospitals; religious and fraternal organizations routinely serving food; catering kitchens; commissary or similar places in which food is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation where food is served or provided for the public, with or without charge.

(c) Third-party food delivery service. The term "third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, food service establishments located in the County that are owned and operated by someone other than the third party food delivery service itself.

(d) Third-party food delivery platform. The term "third-party delivery platform" means the online or mobile electronic platform of the third-party food delivery service on which a consumer may view products available for sale and place an order for a food service establishment's products.

SECTION 2.

[Prohibited Advertising/]Contract Provisions

(a) It shall be unlawful for a third-party food delivery service to [list, advertise, promote, or] sell a food service establishment's products, or arrange for an order of such products, on a third-party

food delivery service platform without a valid written agreement with the food service establishment authorizing the inclusion of their products on such platform.

(b) An agreement executed in accordance with this section shall not include a provision, clause, or covenant that requires a food service establishment to indemnify the third-party food delivery service, any independent contractor acting on behalf of the third-party food delivery service, or any registered agent of the third-party food delivery service, for any damages or harm by an act or omission occurring after the food service establishment's product leaves the place of business of the food service establishment. To the extent an agreement contains such a provision, such provision shall be deemed void and unenforceable.

SECTION 3.

Enforcement.

(a) A food service establishment included on a third-party food delivery platform in violation of this local law shall have the right to bring an action in a court of competent jurisdiction for damages, penalties as set forth in this section, and injunctive relief. Such court, in its discretion, may also award reasonable court costs and attorneys' fees.

(b) Any person or company that violates any provision of this local law shall be subject to a civil penalty of up to one thousand dollars per violation. Each day a food service establishment is included on a third-party food delivery platform shall be considered a separate violation. Each and every food service establishment improperly included on a third-party food delivery platform shall be considered a separate violation.

SECTION 4.

State Environmental Quality Review Act Compliance

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

SECTION 5.

Effective Date.

This local law shall take effect 60 days after [upon] filing with the New York Secretary of State.

Referred to Law Committee – 2/8/21

LOCAL LAW NO. "F"

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001, AS AMENDED, TO PROVIDE THAT PESTICIDE APPLICATION SIGNS MADE AVAILABLE AT THE POINT OF SALE BE AVAILABLE IN MULTIPLE LANGUAGES AS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1)

Introduced: 5/10/21

By Messrs. Domalewicz and A. Joyce:

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

SECTION 1.

Section 3(c)(i) of Local Law 1 for 2001 is amended to read as follows:

c.(i) All persons, including, but not limited to, commercial entities and property owners, performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size. Such markers shall be in both the English and Spanish languages, and any other languages as the Commissioner of the New York State Department of Environmental Conservation deems it necessary pursuant to rules and regulations.

SECTION 2.

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

Referred to Conservation, Sustainability and Green Initiatives and Law Committees – 5/10/21

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

7

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

DEC 04 2001

County
~~City~~ of ALBANY
Town
Village

Local Law No. 5 of the year 2001.

MISCELLANEOUS
& STATE RECORDS

A local law OF THE COUNTY OF ALBANY, NEW YORK ADOPTING COUNTY WIDE
(Insert Title)
NOTIFICATION REQUIREMENTS FOR COMMERCIAL AND
RESIDENTIAL LAWN PESTICIDE APPLICATIONS

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County
~~City~~ of ALBANY as follows:
Town
Village

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 5 FOR 2001

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ADOPTING
COUNTYWIDE NOTIFICATION REQUIREMENTS FOR COMMERCIAL
AND RESIDENTIAL LAWN PESTICIDE APPLICATIONS**

Introduced: 10/9/01

By Messrs. Richardson, Reilly, Mss. Wiley, McKnight, Messrs. Maikels,
Monjeau, Messercola, Ms. Willingham and Mr. Domalewicz:

BE IT ENACTED AS FOLLOWS:

SECTION 1: Legislative Intent.

This Legislature finds that individuals and their personal property are, or can be, unwittingly exposed to pesticides applied on their neighbor's property. This Legislature further finds and declares that pesticides may pose serious health and safety risks to people, particularly children, pregnant women, the elderly and infirm, and that citizens have the right to know about pesticides to which they may be exposed from applications to neighboring properties so that they can take steps to minimize such exposure to themselves, their families, pets, crops, livestock, backyard wildlife and property.

Recognizing the increasing public awareness and concern about pesticide exposure hazards, the State Legislature recently amended the New York Environmental Conservation Law to allow counties to adopt certain advance notification requirements for commercial and residential lawn pesticide applications. This Legislature declares that the people of Albany County deserve the greatest protection allowable by law. Therefore, this Legislature hereby adopts the special requirements for commercial and residential lawn applications as set forth in Section 33-1004 of the New York Environmental Conservation Law.

SECTION 2: Definitions.

All terms used herein shall be as defined in Section 33-0101 of the Environmental Conservation Law as amended.

SECTION 3: Special Requirements for Commercial and Residential Lawn Applications.

a. All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner of Environmental Conservation pursuant to subdivision 1 of Section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. (i) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision 3 of Section 33-1005 of the Environmental Conservation Law, to occupants of all dwellings, as defined in paragraph d of subdivision 5 of Section 33-0905 of the Environmental Conservation Law, on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to owners, owners' agents, or other persons in a position of authority for all other types of premises, as defined in paragraph d of subdivision 5 of Section 33-0905 of the Environmental Conservation Law, that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the State Commissioner of Environmental Conservation.

(ii) The prior notification provisions of this paragraph shall not apply to the following:

A. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

C. the use of non-volatile insect or rodent bait in a tamper resistant container;

D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

F. the use of boric acid and disodium octaborate tetrahydrate;

G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;

H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;

I. the application of a pesticide by direct injection into a plant or the ground;

J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;

K. the application of a pesticide to the ground or turf of any cemetery; and

L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this local law. Upon making an emergency application, the person making such application shall notify the State Commissioner of Health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. (i) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

(ii) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

SECTION 4: Enforcement.

The County Department of Health and the New York State Department of Environmental Conservation shall have concurrent authority to enforce this law pursuant to subdivision 2 of Section 33-1004 of the Environmental Conservation Law. All sanctions, which shall be assessed after providing a hearing and an opportunity to be heard, shall be as specified in Section 71-2907 of the Environmental Conservation Law.

SECTION 5: Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be

invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 6: Effective Date.

This local law shall take effect January 1, 2002.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 5 _____ of 20⁰¹ of the (County)(City)(Town)(Village) of ALBANY was duly passed by the LEGISLATURE on 1.1/13/01. ~~21~~, and was (approved)(not approved)(repassed after disapproval) by the COUNTY EXECUTIVE and was deemed duly adopted on 1.2/3 20.01, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

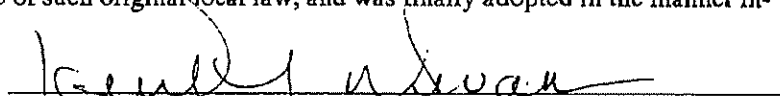
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 2____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

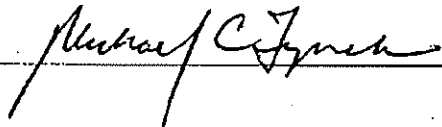
(Seal)

Date: December 3, 2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
COUNTY ATTORNEY

Title

County _____
~~City~~ of ALBANY
~~Town~~
~~Village~~

Date: December 3, 2001

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of ALBANY

FILED
STATE RECORDS

OCT 26 2017

DEPARTMENT OF STATE

Local Law No. 9 of the year 2017

A local law Amending Local Law No. 1 for 2001 Entitled "A Local Law of the County of Albany, NY
(Insert Title).
Adopting Countywide Notification Requirements for Commercial & Residential Lawn Pesti-
cide Applications" to Provide that the Signs Giving Notice of Pesticide Applications required
by Environmental Conservation Law Section 33-1005(1) made available at the point of sale

Be it enacted by the ALBANY COUNTY LEGISLATURE of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of ALBANY

as follows:

PLEASE SEE ATTACHED PAGE 1

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. ⁹ _____ of 20¹⁷ of the (County)(City)(Town)(Village) of ALBANY was duly passed by the ALBANY COUNTY LEGISLATURE on NOVEMBER 14 20¹⁶, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the COUNTY EXECUTIVE and was deemed duly adopted on DECEMBER 14 20¹⁶, in accordance with the applicable provisions of law.

(Name of Legislative Body)

COUNTY EXECUTIVE
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means, or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

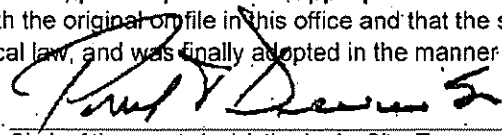
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

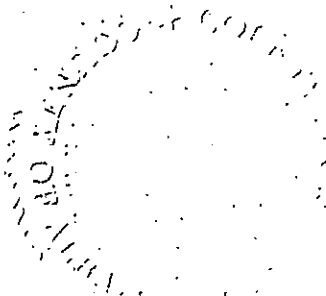
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 10/19/17



LOCAL LAW NO. 9 FOR 2017

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING LOCAL LAW NO. 1 FOR 2001 ENTITLED "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ADOPTING COUNTYWIDE NOTIFICATION REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL LAWN PESTICIDE APPLICATIONS" TO PROVIDE THAT THE SIGNS GIVING NOTICE OF PESTICIDE APPLICATIONS REQUIRED BY ENVIRONMENTAL CONSERVATION LAW SECTION 33-1005(1) MADE AVAILABLE AT THE POINT OF SALE

Introduced: 07/11/16

By Messrs. Domaléwicz, Beston, Bullock, Ms. Chapman, Messrs. Clenahan, Commisso, Ms. Cunningham, Messrs. Ethier, Fein, Ms. Lekakis, Mr. Mackey, Ms. McKnight, Messrs. Signoracci, Simpson, Touchette, Ms. Willingham, Messrs. Fecney, Reinhardt, Clay, Crouse, Dawson, Drake, Higgins, Hogan, A. Joyce, Ms. Lockart, Mr. Mauriello, Ms. McLean Lane, Messrs. Mendick, Miller, Stevens and Tunny:

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

SECTION 1.

Section 3(a) of Local Law 1 for 2001 is amended to read as follows:

a. All retail establishments that sell general use pesticides for commercial and residential lawn application shall display a sign meeting standards established by the Commissioner of Environmental Conservation pursuant to subdivision 1 of Section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed. The signs by required by Section 3 giving notice of such pesticide application shall be made available at the point of sale to the purchasers of general use pesticides at the retail establishments which sell such general use pesticides for commercial and residential lawn application and shall be placed as close as possible to the place where such pesticides are displayed for sale.

SECTION 2.

Section 3(c)(i) of Local Law 1 for 2001 is amended to read as follows:

c.(i) All persons, including, but not limited to, commercial entities and property owners, performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

SECTION 3.

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

State of New York

County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 14th day of November, 2016, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 15th day of November, 2016.

A handwritten signature in cursive script, appearing to read "Robert T. Deane", is written over a horizontal line.

Clerk, Albany County Legislature

Showing differences between versions effective February 9, 2011 to December 21, 2020 and December 22, 2020 [current]

Key: ~~deleted text~~ **added text**

1 deletion · 3 additions

McKinney's ECL § 33-1004

§ 33-1004. Lawn applications; certain municipalities

1. Notwithstanding any other provision of law to the contrary, any county not contained entirely within a city, and any city with a population of one million or more, may, after public hearing, adopt a local law comprised of the following provisions in their entirety and without exception including all applicable definitions as provided in this article:

a. All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the commissioner pursuant to subdivision one of section 33-1005 of this article, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. (i) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section 33-1005 of this article to:

A. occupants of all dwellings, as defined in paragraph d of subdivision five of section 33-0905 of this article, on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to owners, owners' agents, or other persons in a position of authority for all other types of premises, as defined in paragraph d of subdivision five of section 33-0905 of this article, that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the commissioner; and

B. owners, owners' agents or other persons in positions of authority for multiple family dwellings, the property of which is the site of such application. Owners, or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings in a manner specified by the commissioner.

(ii) The prior notification provisions of this paragraph shall not apply to the following:

A. the application of anti-microbial pesticides and anti-microbial products as defined by FIFRA in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

C. the use of non-volatile insect or rodent bait in a tamper resistant container;

D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

F. the use of boric acid and disodium octaborate tetrahydrate;

G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;

H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;

I. the application of a pesticide by direct injection into a plant or the ground;

J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;

K. the application of a pesticide to the ground or turf of any cemetery; and

L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the commissioner of health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. (i) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. ~~Such markers~~ **Markers** shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size. ~~Such markers shall be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations.~~

(ii) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

2. Any county not contained entirely within a city or any city with a population of one million or more that adopts a local law pursuant to the provisions of this section, shall, in addition to any authority otherwise conferred in this chapter, have concurrent authority to enforce such local law administratively, provided however that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in section 71-2907 of this chapter and shall be payable to and deposited with the enforcing municipality.

2-a. Within twenty days after the adoption of a local law pursuant to this section, the clerk or other officer designated by the legislative body shall forward one certified copy thereof to the commissioner and one to the attorney general.

2-b. Any local law adopted pursuant to this section shall take effect on the first day of January after it shall have been adopted.

3. The commissioner of health shall review any emergency form submitted pursuant to this section to ensure that the circumstance did warrant such emergency application. Such forms shall be kept on file at the department of health for three years from the date of application and shall be made available to any person upon request.

Credits

(Added L.2000, c. 285, § 3, eff. March 1, 2001. Amended L.2010, c. 324, § 1, eff. Feb. 9, 2011 ; **L.2020, c. 145, § 1, eff. Dec. 22, 2020**.)

McKinney's E. C. L. § 33-1004, NY ENVIR CONSER § 33-1004

End of Document

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Showing differences between versions effective February 9, 2011 to December 21, 2020 and December 22, 2020 [current]

Key: ~~deleted text~~ **added text**

0 deletions · 4 additions

McKinney's ECL § 33-1005

§ 33-1005. Commissioner's regulations

<[As added by L.2000, c. 285. Another Environmental Conservation Law § 33-1005 was added by another act.]>

For purposes of implementing section 33-1004 of this article in any county not contained entirely within a city or any city with a population of one million or more that has adopted a local law pursuant to such section:

1. The commissioner shall promulgate rules and regulations establishing uniform standards for a consumer pesticide use information sign which shall be placed in retail establishments that sell general use pesticides for commercial or residential lawn application. This sign shall ~~be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations, and shall~~ contain the following information:

- a. a warning notice directing consumers to follow directions on labels;
- b. a provision to inform the customer of the posting requirements set forth in paragraph c of subdivision one of section 33-1004 of this article; and
- c. a recommendation that the customer notify neighbors prior to the application of pesticides so that such neighbors may take precautions to avoid pesticide exposure.

2. The commissioner shall prepare and publish, in consultation with the commissioner of health, educational materials, ~~in both the English and Spanish languages and any other languages if the commissioner deems it necessary,~~ explaining the requirements of paragraphs b and c of subdivision one of section 33-1004 of this article and section three hundred ninety-c of the social services law and the human and environmental health effects of lawn care pesticides.

3. a. The commissioner shall promulgate rules and regulations specifying the following: the content and form of the written notice required in paragraph b of subdivision one of section 33-1004 of this article, with the content consisting minimally of the following:

- (i) the address of the premises where application is to be done;
- (ii) the name and telephone number and pesticide business registration number or certified applicator number of the person providing the application;
- (iii) the specific date of each pesticide application and two alternative dates to the proposed date of application when, due to weather conditions, the pesticide application on the proposed date is precluded;
- (iv) the product name or names and the United States Environmental Protection Agency registration number or numbers of the pesticide or pesticides to be applied;

(v) a prominent statement that reads: "This notice is to inform you of a pending pesticide application to: 1. a neighboring property; or 2. this premise. You may wish to take precautions to minimize pesticide exposure to yourself, family members, pets or family possessions. Further information about the product or products being applied, including any warnings that appear on the labels of such pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticides Telecommunications Network at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health Info line at 1-800-458-1158".

b. The commissioner shall review and revise as necessary the phone numbers required to appear in notices pursuant to this section and pursuant to section four hundred nine-h of the education law and section three hundred ninety-c of the social services law. Notwithstanding the provisions of the state administrative procedure act, such phone numbers shall be established as a rule by publication in the environmental notice bulletin.

c. The written notice required by paragraph b of subdivision one of section 33-1004 of this article shall be in both the English and Spanish languages, and any other languages if the commissioner deems it necessary pursuant to rules and regulations.

4. The commissioner shall promulgate rules and regulations specifying: the manner in which persons providing commercial lawn application shall supply written notice as required under paragraph b of subdivision one of section 33-1004 of this article including, but not limited to, mailing, or leaving with a responsible adult or in a conspicuous location on the premises or abutting property; the manner in which the owner or owner's agent of multiple family dwellings covered under paragraph b of subdivision one of section 33-1004 of this article shall supply such written notice to the occupants of such multiple family dwellings; and for all other premises covered under paragraph b of subdivision one of section 33-1004 of this article, the manner in which the owner, owner's agent or other person in a position of authority shall supply such written notice. Such rules and regulations shall specify a manner in which persons providing commercial lawn applications may provide an option to occupants of dwellings to decline further notices.

5. The commissioner is hereby authorized to promulgate rules and regulations, not inconsistent with any other provisions of law, specifying procedures for the department's investigation and processing of alleged violations of paragraph c of subdivision one of section 33-1004 of this article that pertain to persons performing residential lawn applications. Such uniform procedures may require complaints to be in the form of a sworn statement containing the facts upon which an alleged violation is based and may provide that the department is not required to perform any testing or sampling in relation to the investigation of any such alleged violations.

Credits

(Added L.2000, c. 285, § 4, eff. March 1, 2001. Amended L.2010, c. 324, § 2, eff. Feb. 9, 2011 ; L.2020, c. 145, §§ 2 to 4, eff. Dec. 22, 2020.)

McKinney's E. C. L. § 33-1005, NY ENVIR CONSER § 33-1005

LOCAL LAW NO. "G" FOR 2021

A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

Introduced: 6/14/21

By Ms. Plotsky, Messrs. Touchette, Smith, A. Joyce, Efekoro, R. Joyce, Ms. McLaughlin, Messrs. Peter, Ricard, Ward, Burgdorf, Drake, Ms. Lockart, Messrs. Mauriello, Perlee, Tunny and Ms. Whalen:

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

SECTION 1. Title

This Local Law shall be known as "A Local Law Adopting a Pilot Youth Deer Hunting Program."

SECTION 2. Purpose

Consistent with the provisions of Environmental Conservation Law section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

SECTION 3. Authority

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, § 2[c];
2. New York Municipal Home Rule Law, § 10; and
3. New York Environmental Conservation Law § 11-0935.

SECTION 4. Definitions

1. "Eligible area" means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
2. "Hunting license holder" means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
3. "Legal guardian" means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.

4. "Mentor" means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor's parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. "Minor" means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within an eligible area.
6. "Parent" means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.
7. "Physical control" means that the physical proximity of a minor to a parent, legal guardian or mentor and is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

SECTION 5. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law section 11-0935 shall be applicable within the boundaries of the County of Albany upon (a) the adoption of this Local Law by the County Legislature for the County of Albany, State of New York, and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this Local Law.

Albany County hereby elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

SECTION 6. Eligibility and Requirements.

1. A minor aged 12 or 13 may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within the County of Albany when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 4 of this Local Law.
2. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.
3. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent

orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

4. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, rifle, shotgun, or muzzle-loading firearm.
5. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.
6. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

SECTION 8. Filing

In accordance with ECL § 11-0935.2, a copy of this Local Law shall be filed with the New York State Department of Environmental Conservation. And in accordance with Municipal Home Rule § 27, a copy shall be filed with the New York State Department of State.

SECTION 9. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

SECTION 10. Repeal

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 11. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Referred to Law Committee – 6-14/21

DANIEL P. MCCOY
COUNTY EXECUTIVE



EUGENIA KOUTELIS CONDON
COUNTY ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE COUNTY ATTORNEY
COUNTY OFFICE BUILDING
112 STATE STREET, ROOM 600
ALBANY, NEW YORK 12207-2021
PHONE (518) 447-7110 | FAX (518) 447-5564
WWW.ALBANYCOUNTY.COM

JOHN W. LIGUORI
DEPUTY COUNTY ATTORNEY

YORDEN C. HUBAN
FIRST ASSISTANT
COUNTY ATTORNEY

MEMORANDUM

TO: Hon. Andrew Joyce
Chairman, County Legislature

FROM: Eugenia Koutelis Condon
County Attorney

DATE: July 6, 2021

RE: Request for Legislative Action
Award of Liability and Casualty Insurance
Policy Period: 8/15/21 – 8/15/22

Enclosed is a completed Request for Legislative Action relative to the award of the County's liability and related insurance coverage for the policy period August 15, 2021 to August 15, 2022. I am requesting that this matter be placed on the agenda for the August Legislative meeting. **PLEASE NOTE, THE BROKER IS STILL OBTAINING QUOTES FOR THE INSURANCE. THIS REQUEST IS BEING SUBMITTED AS A PLACEHOLDER AT THIS TIME AND WILL BE SUPPLEMENTED ONCE THE FINAL QUOTES ARE OBTAINED.**

The County's broker of record, Arthur J. Gallagher Risk Management Services sought renewal quotes for the County's insurance coverage. They are recommending that we proceed with the insurance set forth below.

The specific insurance in question are the County's general liability, automobile, law enforcement, police professional, property, public official's and employee

liability, crime, boiler and machinery, excess, umbrella and medical malpractice insurance coverage. The recommended awards are as follows:

Excess Commercial/General/Automobile/Law Enforcement Package and Public Official's and Employment Practices Coverage:

Carrier:
Premium: \$
Expiring Premium: \$395,640
Policy Limits: \$10 Million
SIR: \$1 Million
SIR for POL: \$500,000

Umbrella:

Carrier:
Premium: \$
Expiring Premium: \$113,132
Policy Limits: \$10 Million
Provides coverage over Excess and Public Official's

Property:

Carrier:
Premium:
Expiring Premium: \$282,798 + \$953 fire fee
Deductible: \$250,000

Boiler and Machinery:

Carrier:
Premium:
Expiring Premium: \$24,998.00

Crime:

Carrier:

Premium:
Expiring Premium: \$13,782.00

Medical Liability:

Carrier:
Premium: \$
Expiring Premium: \$390,461.00

Cyber Liability:

Carrier:
Premium:
Expiring Premium: \$65,585.00

Enclosed is back-up documentation, including the premium summary and marketing summary.

Please note, all premiums include Terrorism Coverage at the rate of 1% of premium.

The proposed awards result in combined premiums of \$, which includes the mandatory New York State Fire Fee. All coverages were significantly enhanced in 2013 and have been enhanced on a per coverage basis as needed. At this time, it is anticipated that all enhancements, self-insured retentions and policy limits will remain the same. **THIS INFORMATION WILL BE UPDATED AS PRICE QUOTES ARE RECEIVED.**

If you have any questions, please advise me. Thank you for your attention to this matter.

EKC:e
Enclosures

Cc: Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel
David Reilly, Commissioner, Management and Budget



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-2576, Version: 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Contract Authorization For Department of Law

Date: July,6 2021
Submitted By: Eugenia Condon,County Attorney
Department: Law
Title: County Attorney
Phone: 518-447-7114
Department Rep.
Attending Meeting: Eugenia Condon, County Attorney

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):

Arthur J Gallagher Risk Management Systems
30 Century Hille Drive
Latham, NY 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee:

Please See Attached

Scope of Services:

Award of Liability and Casualty Insurance for Period 8/15/2021-

08/15/2022

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: Various departmental insurances lines(44037)

Appropriation Amount: Please see attached

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: Click or tap here to enter text.

County: 100%

Local: Click or tap here to enter text.

Term

Term: (Start and end date) 08/15/2021-08/15/2022

Length of Contract: 12 months

Impact on Pending Litigation

Yes No

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

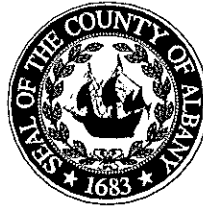
Previous requests for Identical or Similar Action:

Resolution/Law Number: 254

Date of Adoption: 08/10/2020

Justification: (state briefly why legislative action is requested)

Award of liability, Property, Medical, Malpractice and similar insurances for the period august 15,2021 to August 15,2022. The County's broker of record, Arthur J. Gallagher Risk Management services sought renewal quotes for the County's insurance coverage.



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
CRIME VICTIM AND SEXUAL VIOLENCE CENTER

KAREN ZIEGLER
DIRECTOR

112 STATE STREET, ROOM 1010
ALBANY, NEW YORK 12207-2077
(518) 447-7100 FAX: (518) 447-7102
SEXUAL ASSAULT CRISIS HOTLINE: (518) 447-7716
www.albanycounty.com
e-mail: cvsvc@albanycounty.com

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

July 9, 2021

Dear Chairman Joyce:

I am requesting permission to accept an award with the New York State Office of Victim Services through the VOCA Victim and Witness Assistance Grant Program from October 1, 2021 through September 30, 2022. This is the third year of a three year grant award. Further, there may be additional opportunities in the next two years to apply for small amounts of funding for specific NYS OVS projects as well as a one-time two year extension. The turn-around time for the grant is extremely short which is why I am requesting to be allowed to immediately accept this award.

I appreciate your consideration this matter.

Respectfully Submitted,

Karen Ziegler
Director

Cc: Dennis A. Feeney, Majority Leader
Frank A. Mauriello, Minority Leader
Rebekkah Kennedy, Majority Counsel
Arnis Zilgme, Esq. Minority Counsel



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-2587, Version: 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Contract between NYS Office of Victim Services and CVSVC

Date: 7/9/2021
Submitted By: Karen Ziegler
Department: CVSVC
Title: Director
Phone: 518-447-7100
Department Rep.
Attending Meeting: Karen Ziegler

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

Renewal

Submission Date Deadline 8/8/2021

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):

NYS Office of Victim Services
80 South Swan Street, Suite 200
Albany, NY 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: 698,977.26

Scope of Services: Partial funding for 15 staff to provide direct services to victims of crime as well as operational costs from 10/1/2021 through 9/30/2022.

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: A4610 03496
Revenue Amount: 698,977.26

Appropriation Account and Line: Attached
Appropriation Amount: 698,977.26

Source of Funding - (Percentages)

Federal: 80%
State: 20%
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term

Term: (Start and end date) 10/1/2021-9/30/2022
Length of Contract: 12 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: Resolution 363
Date of Adoption: 10/13/2020

Justification: (state briefly why legislative action is requested)

Click or tap here to enter text. The New York State Office of Victim Services (NYS OVS) has awarded CVSVC a three year grant with a possible one-time two year extension out of the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program. This grant provides financial support to community-based organizations providing direct services to the immediate needs of victims of crime. CVSVC offers crisis counseling and supportive therapy, information and referral services, emergency room and law enforcement accompaniments, case management services, a 24 hour crisis hotline, personal and criminal justice advocacy, VINE registration, victim impact statements, and NYS OVS claims assistance. We are anticipating serving more than 5,000 victims of interpersonal crime. Additional grant funding for smaller projects may be available to current grantees in this three year period. The short turn-around time requires the immediate acceptance.



Office of Victim Services

ANDREW M. CUOMO
Governor

ELIZABETH CRONIN
Director

July 8, 2021

Albany County Of (Crime Victim and Sexual Violence)
112 STATE STREET, ROOM 1010
ALBANY, NY 12207

RE: Contract Number: C10903GG

Year 3 Contract Period: 10/1/21-9/30/22

Funding Source: 2019-V2-GX-0040

Dear Colleague:

The Office of Victim Services (OVS) previously awarded your program a grant for the period October 1, 2019 through September 30, 2022. It is now time to submit and finalize your budget for the 2021-22 contract year.

Your award amount for the 2021-22 contract year is: \$698,977.26

All budget submissions need to be completed in the Grants Gateway. Paper submissions will not be accepted. Since data entered into the budget for year 2 expenses will automatically be carried over in the Grants Gateway to year 3, this should be modified accordingly. Please submit the following items in the "Grantee Document Folder", located in the "Forms Menu" of the Grants Gateway:

- Civil Rights Compliance Form
- Special Conditions Attestation
- Position Description Form
- Program Information Form
- SAR Questionnaire
- Attachment C- Performance Measurement Tool
- Proof of Workers Comp Insurance (for subcontractors if applicable)
- Proof of Disability Insurance (for subcontractors if applicable)
- Fringe, Space, and Phone Form (if applicable)
- Lease (if applicable)
- De Minimis Form or Indirect Cost Rate Agreement (if applicable)
- Consultant Agreements (if applicable)

Please enter your 2021-22 budget in the "expenditure budget" section of the Forms Menu.

Please submit all of the necessary documents in the Grants Gateway by the close of business on August 8, 2021.

On behalf of the Office of Victim Services and the Grants Unit, we look forward to continuing our shared efforts to serve innocent victims of crime in New York State.

Sincerely,

Chet Fiske

Chet Fiske
Contract Management Specialist 3
New York State Office of Victim Services

Personnel

A 4610 11028 001 450001	Director
A 4610 11128 001 450002	Deputy Director
A 4610 12232 001 450003	Clinical Supervisor
A 4610 12235 001 450005	CV Therapist 1
A 4610 12235 002 450006	Child CV Therapist
A 4610 12233 001 450025	Child CV Therapist 2
A 4610 12237 004 450011	CV Caseworker 1
A 4610 12237 003 450010	CV Caseworker 2
A 4610 12237 005 450012	CV Caseworker 3
A 4610 12237 001 450008	CV Caseworker 4
A 4610 12238 001 450018	Supervising CW
A 4610 12243 001 450029	Coordinator of Community Education
A 4610 12254 001 450020	Volunteer Coordinator
A 4610 16192 001 450019	Administrative Aide
A 4610 16401 002 450017	Confidential Secretary

Personnel Non-Individual 19950 - 19970

A 4610 19982	On Call Pay
A 4610 19950	Longevity

Contractual Expenses 44020 - 44903

A 4610 44020	Office Supplies
A 4610 44021	Computer Supplies
A 4610 44035	Postage
A 4610 44036	Telephone
A 4610 44038	Travel-Mileage, Freight
A 4610 44039	Conferences/Training/Tuition
A 4610 44040	Books/Transcripts/Subscriptions
A4610 44041	Computer Fees
A 4610 44042	Printing & Advertising
A 4610 44049	Special Programs
A 4610 44300	Association Dues
A 4610 44903	DGS Shared Services

Fringe 89010 - 89060

A 4610 89010	State Retirement
A 4610 89030	FICA/Social Security
A 4610 89060	Health & Medical Insurance

RESOLUTION NO. 363**AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING THE VICTIM AND WITNESS ASSISTANCE GRANT PROGRAM**

Introduced: 10/13/20

By Law Committee:

WHEREAS, By Resolution No. 317 for 2019, this Honorable Body authorized an agreement with the New York State Office of Victim Services regarding the federal Victims of Crime Act (VOCA) Victim and Witness Assistance grant program in a total amount of \$2,009,575 over a three-year term commencing October 1, 2019 and ending September 30, 2022 with a potential two-year option to renew, and

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to retroactively submit a grant application and enter into an agreement with the New York State Office of Victim Services regarding the second year of the multi-year agreement in the amount of \$768,749 for the term commencing October 1, 2020 and ending September 30, 2021, and

WHEREAS, The Director indicated that the funding will be used to support 15 staff positions providing direct services to crime victims, as well as operational costs throughout the duration of the term, and

RESOLVED, By the Albany County Legislature that the County Executive is authorized to retroactively submit a grant application and to enter into an agreement with the New York State Office of Victim Services regarding the VOCA Victim and Witness Assistance grant program in the amount of \$768,749 for the term commencing October 1, 2020 and ending September 30, 2021, and, be it further

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

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

Adopted by unanimous vote - 10/13/20