

County of Albany

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



Meeting Agenda

Tuesday, March 29, 2022

6:00 PM

Conservation, Sustainability and Green Initiatives **Committee**

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. LOCAL LAW NO. "M" FOR 2021: A LOCAL LAW CONCERNING THE CUTTING, REPLACING AND PRESERVATION OF FOREST LANDS BY COUNTY AUTHORITIES
3. PUBLIC HEARING ON LOCAL LAW NO. "M" FOR 2021 A LOCAL LAW CONCERNING THE CUTTING, REPLACING AND PRESERVATION OF FOREST LANDS BY COUNTY AUTHORITIES

CURRENT BUSINESS:

4. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "A" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY ESTABLISHING THE SUSTAINABLE TECHNOLOGY AND GREEN ENERGY ACT ("STAGE ACT")
5. LOCAL LAW NO. "A" FOR 2022: A LOCAL LAW ESTABLISHING THE SUSTAINABLE TECHNOLOGY AND GREEN ENERGY ACT ("STAGE ACT")

County of Albany

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



Meeting Minutes

Tuesday, March 1, 2022

6:00 PM

Held Remotely

Conservation, Sustainability and Green Initiatives
Committee

PREVIOUS BUSINESS:

Present: William Reinhardt, Beroro T. Efekoro, Frank J. Commisso, Samuel I. Fein, Patrice Lockart, Matthew J. Miller, Jeff S. Perlee and Victoria Plotsky

Excused: Merton D. Simpson

1. APPROVING PREVIOUS MEETING MINUTES

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

2. LOCAL LAW NO. "M" FOR 2021: A LOCAL LAW CONCERNING THE CUTTING, REPLACING AND PRESERVATION OF FOREST LANDS BY COUNTY AUTHORITIES

This proposal was tabled at the request of the Sponsor.

CURRENT BUSINESS:

3. PUBLIC HEARING ON LOCAL LAW NO. "M" FOR 2021 A LOCAL LAW CONCERNING THE CUTTING, REPLACING AND PRESERVATION OF FOREST LANDS BY COUNTY AUTHORITIES

This proposal was tabled at the request of the Sponsor.

4. AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION OF SARATOGA COUNTY FOR THE REMOVAL OF INVASIVE SPECIES AT THE ANN LEE POND AND AMENDING THE 2022 DEPARTMENT OF ECONOMIC DEVELOPMENT, CONSERVATION AND PLANNING BUDGET

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

5. PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NO. 1

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

LOCAL LAW NO. “M” FOR 2021

A LOCAL LAW CONCERNING THE CUTTING, REPLACING AND PRESERVATION OF FOREST LANDS BY COUNTY AUTHORITIES

Introduced: 11/8/21

By: Messrs. Perlee, Drake, Grimm, Langdon, Ms. Lockhart, Messrs. Mauriello, Tunny and Ms. Whalen

SECTION 1.

Legislative Intent.

Trees play an essential role in the survival of our planet. Trees mitigate temperature fluctuation and lower air temperatures. Trees prevent soil erosion, regulate the hydrology of soil and groundwater levels and absorb surface water, preventing it from flowing into built up and paved areas that contain pollutants that contaminate our waterways. Trees provide aesthetic comfort to urban landscapes and help delineate and buffer areas of current and future development. Through photosynthesis trees sequester harmful carbon dioxide and release life giving oxygen. Certain species which were once abundant in our County, such as the White Pine and Black Locust, are particularly effective at carbon sequestration. By regulating the exchange of energy and water between earth’s surface and atmosphere, trees are our planet’s primary defense in the battle against global warming. If the present rate of tree removal and death is not addressed, we will lose our last tree, and with it the planet, in less than 200 years' time. It is the intent of this law to create a replacement protocol related to the cutting of forested lands of one-half acres or more owned by Albany County and to create an Albany County Forest Preserve which shall serve to help ensure the preservation and enhancement of the total amount of forest land within Albany County.

SECTION 2.

Protocol related to the cutting of forest lands owned by Albany County.

No area of forested land of one-half acre or greater owned by the County shall be disturbed and developed unless:

(a) an inventory of trees to be disturbed and /or removed is made and filed with the Albany County Soil and Water Conservation District (“ACSWCD”). The survey will conform with generally accepted standards of professional tree surveying and will comprehensively and accurately indicate the species and size of all trees 4” and greater diameter at breast height; and

(b) the ASCWCD will determine the value of the trees to be removed (“tree replacement value”) using the Basic Formula Method from the *Guide for Plant Appraisal 10th Edition* by the International Society of Arboriculture;

(c) the County Executive shall place, or cause to be placed an amount equal to two times the tree replacement value (“replacement payment”) into a special Forest Replacement Reserve Fund (“Reserve Fund”) established for the purpose of purchasing replacement forest property;

(d) upon confirmation of deposit of the replacement payment, the ASCWCD shall certify compliance with this section and issue an authorization to proceed with disturbance and/or removal.

SECTION 3.

Purposes of the Reserve Fund.

Funds deposited within The Reserve Fund shall be utilized exclusively for the following purposes:

(a) to purchase lands suitable for reforestation to be held in fee simple by the County (b) costs directly associated with planting said purchased lands with tree species known to possess high carbon dioxide sequestration capabilities;

SECTION 4.

Acquisition and Maintenance of Replacement Forest Property.

No more than one year following an authorization to disturb county forest lands, the County Executive shall identify and caused to be purchased real property suitable for replacement forest. Said property shall:

(a) be designated as Albany County Forest Preserve and shall be operated and maintained as natural open space in accordance with New York State General Municipal Law, Section 247;

(b) be no smaller in area than two times the area of the parcel containing the disturbed forest land it replaced;

(b) be suitable for reforestation;

(d) be located in an area of the County otherwise underserved by County facilities;

(e) be located where it can serve as a permanent green buffer to existing or proposed development;

(f) be contiguous or in proximate vicinity to lands designated as County Forest Preserve, if applicable;

(g) be forever kept as forest lands;

(h) be capable of use for nature education programs, nature trails and other County recreation purposes.

SECTION 5.

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 6.

Severability.

If any section, subsection, sentence, clause, phrase or other portion of this law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

SECTION 7.

Effective Date.

This local law shall take effect upon filing with the New York Secretary of State.

Referred to Conservation, Sustainability and Green Initiatives and Law Committees – 11/8/21

RESOLUTION NO. 53

PUBLIC HEARING ON LOCAL LAW NO. “M” FOR 2021 A LOCAL LAW CONCERNING THE CUTTING, REPLACING AND PRESERVATION OF FOREST LANDS BY COUNTY AUTHORITIES

Introduced: 2/14/22

By Mr. Perlee:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “M” for 2021, “A LOCAL LAW CONCERNING THE CUTTING, REPLACING AND PRESERVATION OF FOREST LANDS BY COUNTY AUTHORITIES” will be held remotely by the Albany County Legislature at 7:15 p.m. on Tuesday, March 29, 2022, with participation information to be made available on the Albany County website, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Conservation, Sustainability, and Green Initiatives and Law Committees – 2/14/22

RESOLUTION NO. 106

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "A" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY ESTABLISHING THE SUSTAINABLE TECHNOLOGY AND GREEN ENERGY ACT ("STAGE ACT")

Introduced: 3/14/22

By Messrs. A. Joyce and Feeney:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "A" for 2022, "A Local Law of the County of Albany Establishing the Sustainable Technology and Green Energy Act ("Stage Act")" to be held remotely by the Albany County Legislature at 7:15 p.m. on Tuesday, April 26, 2022, with participation information to be made available on the Albany County website, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Conservation, Sustainability, and Green Initiatives and Law Committees – 3/14/22

LOCAL LAW NO. “A” OF 2022

A LOCAL LAW ESTABLISHING THE SUSTAINABLE TECHNOLOGY AND GREEN ENERGY ACT (“STAGE ACT”)

Introduced: 3/14/22

By Messrs. A. Joyce and Feeney:

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

(1) Title:

This Local law shall be known as the “Sustainable Technology and Green Energy Act”.

(2) Declaration of Legislative Findings & Intent:

In 2019, the State of New York enacted the Climate Leadership and Community Protection Act (CLCPA), thereby creating one of the most ambitious and comprehensive climate and energy laws in the country. The CLCPA calls for nothing less than the decarbonization of the NYS economy and calls on each and every municipality in the state to collaboratively work to significantly increase the green energy business infrastructure in their municipalities to the greatest extent possible. New York has set aggressive goals through the CLCPA, and has established a target of reaching a point where no less than 70% of the state’s electricity consumption will be derived from renewable power generation by the year 2030.

The Albany County Legislature finds that local municipalities are uniquely situated to address the climate goals noted in the CLCPA through local economic development efforts, which prioritize the shift towards clean renewable energy systems and green business that will fuel our economy in the next century. Through collaborative efforts amongst neighboring municipalities, and local economic development agencies, Albany County intends to provide the resources through which business can find a partner in the fight for a healthier environment that brings long-term job investment and employment to our community.

The Albany County Legislature further finds that as our national, state, and local governments emerge from the COVID-19 pandemic the need for an economy driven by green economic development has become more apparent than ever. Only through sustainable investment in long-term clean energy businesses can we hope to stem the tide of decades of environmental devastation brought on by a much prolonged dependence on petroleum-based economies. The County Albany County Legislature determines that the County of Albany and its arms of municipal government can act as a promoter of this type of economic development and intends to commit significant resources to the development of green economic development projects across the County.

The intention of the Albany County Legislature is to establish a [Green Economic Development Plan] Sustainable Technology and Green Energy Plan, which will invigorate and diversify the green business industry in the County of Albany for years to come and contribute to significant economic development, job retention, and development.

(3) Definitions:

- (a) **“STAGE Plan”**: shall mean the [Green Economic Development Plan] Sustainable Technology and Green Energy Plan within Albany County that is authorized and established by Section 4 this Local Law.
- (b) **“Commissioner”**- shall mean the Commissioner of the Office of Management and Budget as established by Article 5, §§501 & 502 of the Albany County Charter.
- (c) **“Comptroller”**- shall mean the Albany County Comptroller as established by Article 4, §401 of the Albany County Charter.
- (d) **“County”**- shall mean the County of Albany, NY.
- (e) **“County Executive”**- shall mean the Albany County Executive as established by Article 3, §§ 301 & 302 of the Albany County Charter.
- (f) **“Director”**- shall mean the Director of the Albany County Department of Economic Development, Conservation, and Planning as established by Article 11, §§1101 & 1102 of the Albany County Charter.
- (g) **“Economic development project”**- shall mean a project undertaken by local development agencies (as defined herein) which is for the purpose of improvement of economic development, job retention, job growth, or business growth within the County.
- (h) **“Green Business”**- shall mean any entity that is a for-profit business that produces goods or provides services that benefit the environment, conserve natural resources, or reduce greenhouse gas emissions. Green businesses include, but are not limited to, corporations that manufacture, produce, build, engineer, service, supply, and/or distribute any product which produces clean energy sources or reduces emissions in other sectors of the economy, such as building or transportation, in order to meet local, state, and federal sustainability goals and contribute demonstrably to the green business footprint in the County.
- (i) **“Financial Assistance”**- shall mean assistance that is provided to the covered entity for the improvement or development of real property,

economic development, job retention and growth, or other similar purposes that is provided either (i) directly by the County, or (ii) indirectly by local economic development agencies. Financial assistance as defined in this section shall include, but not be limited to: grants, bonds, financing, real property tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property taxes, mortgage recording taxes, sales and uses taxes, or payments in lieu of taxes).

- (j) **“Local Economic Development Agencies”**- shall mean an entity that has been constituted and/or established to provide or administer economic development benefits on behalf of the County including, but not limited to : (i) a not-for profit local development corporation established pursuant Section 1411 of the New York State Not-For Profit Corporation Law; (ii) an industrial development agency established pursuant to Sections 856 and/or 903-b of the New York State General Municipal Law; or (iii) any urban development corporation as defined by the New York State Urban Development Corporation Act and/or a public benefit corporation as authorized by the laws of New York. [authorized to be established pursuant to NYS Law which is a state entity.]

(4) Green Economic Development Plan Established:

- (a) The Albany County Legislature hereby establishes an economic development program within Albany County, which shall hereinafter be known as the Sustainable Technology and Green Energy Plan (the “STAGE Plan”). The STAGE Plan, is intended to contribute to the revitalization of the [Albany] County economy, in part, through the support and development of green businesses which bring innovation in the green energy sector and work to diversify our local green business community in contribution to the goals set forth in the Climate Leadership and Community Protection Act (CLCPA) which was adopted by the New York State Legislature in 2019.
- (b) The Director is hereby [empowered] authorized to exercise all powers granted to them pursuant to Article 11, §§1101 &1102 of the Albany County Charter to establish and develop the STAGE Plan and encourage related green business economic development priorities as established by this local law. The Director is encouraged to work collaboratively with the County Executive, Comptroller, Commissioner in the development of the [an economic development Plan] STAGE Plan which prioritizes the retention and attraction of green business in the County.
- (c) Included in the STAGE Plan shall be primary goals, including but not limited to:

- (i) the fostering of, expansion towards, and development of green businesses in the County of Albany;
 - (ii) the development and promulgation of rules and regulations which are geared towards the encouragement of green business the County of Albany;
 - (iii) the development of inter-municipal agreements as well as agreements with local development agencies for the purpose of attracting green business to the County of Albany and providing financial assistance thereto; and
 - (iv) the prioritization of economic development projects which increase the amount of green business, and related employment opportunities created by each in the County of Albany.
- (d) In furtherance of establishing a robust economy with a thriving green energy sector, the Director is further authorized to take any all steps necessary and required to collaborate with local development agencies which are already established and operating in the County to support local economic development goals noted above. This support includes, but in not limited to financial assistance to green business, and economic development projects as defined by this l[L]ocal l[L]aw.
- (e) No later than January 1, 2023, the Director shall promulgate and implement rules and regulations as appropriate and authorized by this section that are necessary required to establish the STAGE Plan. The Director is authorized to work in collaboration and consultation with the County Executive, Comptroller, Commissioner, the Legislature, the Albany County Attorney, and their representatives, as deemed necessary and appropriate to implement the purposes of this local law. The Albany County Legislature shall approve the final STAGE Plan when it is submitted by the Director.
- (f) The Comptroller and/ or the Albany County Legislature may inspect the records and documents related to the STAGE Plan upon written request to the Director and/or the County Executive. Once a properly submitted written request is filed, the Director and/or County Executive must respond within thirty (30) business days with records which respond to a request related to the STAGE Plan.

(5) Funding and Annual Budgetary Appropriation:

- (a) On an annual basis, the Director shall, in conjunction with the Commissioner, incorporate into the County's [of Albany's] yearly budget proposal a fund or appropriation sufficient to support all purposes of this

law including, but not limited to, the necessary community outreach to the green business, to provide for financial assistance as authorized by this law, and to encourage economic development projects prioritized by this local law.

- (b) The Commissioner of Management and Budget is further authorized pursuant to this local law, and consistent with Article 6 of the Albany County Charter and relevant New York State law, to establish any and all necessary funds within each annual County budget proposal which funds all programs and goals as outlined in this local law.

(6) SEQRA Determination:

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

(7) Severability:

- (a) If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgement 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 judgement is rendered.

(8) Effective Date:

- (a) This Local Law shall be effective upon filing with the NYS Secretary of State.

Referred to Conservation, Sustainability, and Green Initiatives and Law Committees – 3/14/22

LOCAL LAW NO. “A” OF 2022

A LOCAL LAW ESTABLISHING THE SUSTAINABLE TECHNOLOGY AND GREEN ENERGY ACT (“STAGE ACT”)

Introduced: 3/14/22

By Messrs. A. Joyce and Feeney:

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- (i) **“Financial Assistance”**- shall mean assistance that is provided to the covered entity for the improvement or development of real property,

economic development, job retention and growth, or other similar purposes that is provided either (i) directly by the County, or (ii) indirectly by local economic development agencies. Financial assistance as defined in this section shall include, but not be limited to: grants, bonds, financing, real property tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property taxes, mortgage recording taxes, sales and uses taxes, or payments in lieu of taxes).

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- (b) The Director is hereby [empowered] authorized to exercise all powers granted to them pursuant to Article 11, §§1101 &1102 of the Albany County Charter to establish and develop the STAGE Plan and encourage related green business economic development priorities as established by this local law. The Director is encouraged to work collaboratively with the County Executive, Comptroller, Commissioner in the development of the [an economic development Plan] STAGE Plan which prioritizes the retention and attraction of green business in the County.
- (c) Included in the STAGE Plan shall be primary goals, including but not limited to:

- (i) the fostering of, expansion towards, and development of green businesses in the County of Albany;
 - (ii) the development and promulgation of rules and regulations which are geared towards the encouragement of green business the County of Albany;
 - (iii) the development of inter-municipal agreements as well as agreements with local development agencies for the purpose of attracting green business to the County of Albany and providing financial assistance thereto; and
 - (iv) the prioritization of economic development projects which increase the amount of green business, and related employment opportunities created by each in the County of Albany.
- (d) In furtherance of establishing a robust economy with a thriving green energy sector, the Director is further authorized to take any all steps necessary and required to collaborate with local development agencies which are already established and operating in the County to support local economic development goals noted above. This support includes, but in not limited to financial assistance to green business, and economic development projects as defined by this l[L]ocal l[L]aw.
- (e) No later than January 1, 2023, the Director shall promulgate and implement rules and regulations as appropriate and authorized by this section that are necessary required to establish the STAGE Plan. The Director is authorized to work in collaboration and consultation with the County Executive, Comptroller, Commissioner, the Legislature, the Albany County Attorney, and their representatives, as deemed necessary and appropriate to implement the purposes of this local law. The Albany County Legislature shall approve the final STAGE Plan when it is submitted by the Director.
- (f) The Comptroller and/ or the Albany County Legislature may inspect the records and documents related to the STAGE Plan upon written request to the Director and/or the County Executive. Once a properly submitted written request is filed, the Director and/or County Executive must respond within thirty (30) business days with records which respond to a request related to the STAGE Plan.

(5) Funding and Annual Budgetary Appropriation:

- (a) On an annual basis, the Director shall, in conjunction with the Commissioner, incorporate into the County's [of Albany's] yearly budget proposal a fund or appropriation sufficient to support all purposes of this

law including, but not limited to, the necessary community outreach to the green business, to provide for financial assistance as authorized by this law, and to encourage economic development projects prioritized by this local law.

- (b) The Commissioner of Management and Budget is further authorized pursuant to this local law, and consistent with Article 6 of the Albany County Charter and relevant New York State law, to establish any and all necessary funds within each annual County budget proposal which funds all programs and goals as outlined in this local law.

(6) SEQRA Determination:

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

(7) Severability:

- (a) If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgement 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 judgement is rendered.

(8) Effective Date:

- (a) This Local Law shall be effective upon filing with the NYS Secretary of State.

Referred to Conservation, Sustainability, and Green Initiatives and Law Committees – 3/14/22