

County of Albany

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



Meeting Agenda

Wednesday, March 29, 2023

6:00 PM

**Harold L. Joyce Albany County Office Building
Cahill Room - First Floor**

Law Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "P" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGARDING A TELEWORKING PROGRAM FOR EMPLOYEES
3. LOCAL LAW NO. "B" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 6 FOR 2017, TO EXEMPT THE COUNTY FROM WIRELESS COMMUNICATION SURCHARGES
4. LOCAL LAW NO. "J" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THAT ALL UNATTENDED WEAPONS IN THE HOME BE LOCKED OR KEPT SECURELY
5. LOCAL LAW NO. "P" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGARDING A TELEWORKING PROGRAM FOR EMPLOYEES

CURRENT BUSINESS:

6. REQUESTING THAT THE NEW YORK STATE LIQUOR AUTHORITY CHANGE THE HOURS OF SALE OF WINE AND LIQUOR IN ALBANY COUNTY
7. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2023: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO REAL PROPERTY TAX LAW § 466-A
8. A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO REAL PROPERTY TAX LAW § 466-A

County of Albany

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



Meeting Minutes

Tuesday, January 31, 2023

6:00 PM

**Harold L. Joyce Albany County Office Building
Cahill Room - First Floor**

Law Committee

PREVIOUS BUSINESS:

Present: Chairperson Victoria Plotsky, Paul J. Burgdorf, Dennis A. Feeney, David B. Mayo, Matthew T. Peter, Bill L. Ricard and Jennifer A. Whalen

Excused: Vice Chair Joanne Cunningham and Jeffrey D. Kuhn

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. "L" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, ENSURING UNIVERSAL ACCESS TO COUNSEL DURING EVICTION PROCEEDINGS IN HOUSING COURTS IN ALBANY COUNTY

This Local Law was withdrawn at the request of the Sponsor.

3. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "P" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGARDING A TELEWORKING PROGRAM FOR EMPLOYEES

This proposal was tabled at the request of the Sponsor.

4. LOCAL LAW NO. "B" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 6 FOR 2017, TO EXEMPT THE COUNTY FROM WIRELESS COMMUNICATION SURCHARGES

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

5. LOCAL LAW NO. "J" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THAT ALL UNATTENDED WEAPONS IN THE HOME BE LOCKED OR KEPT SECURELY

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

6. LOCAL LAW NO. "L" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY CREATING THE ALBANY COUNTY NATURE AND HISTORIC PRESERVE SYSTEM

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by a unanimous vote.

7. LOCAL LAW NO. "O" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ADOPTING THE CODE OF ALBANY COUNTY

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by a unanimous vote.

- 8. LOCAL LAW NO. "P" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGARDING A TELEWORKING PROGRAM FOR EMPLOYEES

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

CURRENT BUSINESS:

- 9. LOCAL LAW NO. "A" FOR 2023: A LOCAL LAW OF THE COUNTY OF ALBANY ENACTING SECTION 470 OF THE REAL PROPERTY TAX LAW – PROVIDING FOR AN EXEMPTION FROM COUNTY TAXES FOR UP TO 10 YEARS FOR THE CONSTRUCTION OF BUILDINGS MEETING LEED STANDARDS

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by a unanimous vote.

LOCAL LAW “P” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGARDING A TELEWORKING PROGRAM FOR EMPLOYEES

Introduced: 11/14/22

By Mr. Efekoro:

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

Section 1. Title.

This Local Law shall be known as the "Albany County Employees Teleworking Law".

Section 2. Purpose.

The Albany County Legislature has a long history of supporting our County workforce, and it will continue to do so while adjusting to the changing nature of work. This Local Law provides teleworking options for County employees and has numerous benefits for both the County and its employees. First, allowing employees to telework reduces greenhouse gases by both reducing the number of cars on the road and allows opportunities for the County to substantially reduce its carbon footprint. Second, it promotes work/life balance for County employees, allowing more time for leisure activities or the ability to stay at home with family. These benefits will positively affect not just the County workforce, but their families, communities, and the environment as well.

Section 3. Teleworking Programs.

The Albany County Department of Human Resources shall establish written policies which allow Albany County employees, where reasonable and not detrimental to work performance, to perform all or a portion of their duties through remote teleworking, with periodic evaluations and reconsideration. Each County agency shall designate a telework coordinator responsible for overseeing the implementation of its teleworking program.

Section 4. Definitions.

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

(a) "Telework" shall mean the performance of regular work functions at a remote location rather than at the county agency's principal office location; and

(b) "County Agency" shall mean any Albany County department, division, public authority, public benefit corporation, office, or other governmental entity which performs a governmental or proprietary function for the county.

(c) "Telework coordinator" shall mean the person designated for each County agency who is responsible for overseeing that agencies' teleworking program.

Section 5. Eligibility; Decisions on Applications.

- (1) Employees may request to telework by completing a teleworking application provided by the telework coordinator.
- (2) Eligibility for teleworking shall be determined by the Human Resources Department in conjunction with the County agency's telework coordinator, following an assessment of the regular work duties required by each title or title category, with such employee input as may be necessary. These determinations shall be applied similarly across the employees within each title or category in each Department.
- (3) Decisions on teleworking applications shall be made within 30 business days from the date the application is received and must be written and include an approval, approval in part, denial, or denial in part.
- (4) If an application for telework is denied in full or in part, reasons for the denial must be listed in the denial document.
- (5) Prior to starting remote work pursuant to a teleworking program, all employee performance standards for each title or title category shall be reduced to writing.

Section 6. Supersession.

Nothing in this Local Law shall supersede existing laws, regulations, or personnel policies applicable to employees with injuries, illnesses, environmental health conditions, or disabilities, or with the reasonable application of employee-earned leave time including, but not limited to, sick, compensatory, paid or unpaid family leave, Federal or State guaranteed leave time, or vacation time.

This Local Law shall not supersede any existing telework policies and/or programs which resulted from any collective bargaining agreement with Albany County.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, corporation 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 of the Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the Local Law or in its application to the person, individual, firm, corporation or circumstance directly involved in the controversy in which such judgment or order may be rendered.

Section 8. Effective Date.

This local law shall take effect 90 days after its filing with the Secretary of State.

Referred to Law and Personnel Committees – 11/14/22

RESOLUTION NO. 478

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “P” FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGARDING A TELEWORKING PROGRAM FOR EMPLOYEES

Introduced: 11/14/22

By Mr. Efekoro:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “P” for 2022, “A Local Law of the County of Albany, New York Regarding A Teleworking Program for Employees” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, November 22, 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 Law and Personnel Committees – 11/14/22

LOCAL LAW “B” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 6 FOR 2017, TO EXEMPT THE COUNTY FROM WIRELESS COMMUNICATION SURCHARGES

Introduced: 3/14/22

By Ms. McLean Lane:

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

SECTION 1. Legislative Intent

The purpose of this Local Law is to exempt Albany County from the payment of wireless communication surcharges on County owned or leased wireless telephones.

SECTION 2. Amendment

Section 2, of Local Law No. 6 for 2017, “A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REPEALING THE WIRELESS COMMUNICATION SURCHARGE AUTHORIZED BY ARTICLE 6 OF THE COUNTY LAW OF THE STATE OF NEW YORK SET FORTH IN ALBANY COUNTY LOCAL LAW 9 FOR 2009 AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g,” is amended by the addition of a new subdivision (d) as follows:

(d) Limitations. No wireless communication surcharge set forth in this Local Law shall be imposed upon any wireless telephone owned or leased by Albany County.

SECTION 3. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any 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, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 4. Effective Date

This law shall take effect immediately upon its filing with the Secretary of State.

Referred to Law and Public Safety Committees – 3/14/22

LOCAL LAW “J” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THAT ALL UNATTENDED WEAPONS IN THE HOME BE LOCKED OR KEPT SECURELY

Introduced: 9/12/22

By Mr. Reidy, Mss. McLean Lane, Cunningham and Mr. Peter::

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

SECTION 1. Title.

This Local Law shall be known as the “Safe Gun Storage Law.”

SECTION 2. Legislative Intent.

Albany County is dedicated to protecting its residents. This Legislature finds that an average of 483 deaths and 76,127 non-fatal injuries per year are from unintentional shootings. Studies have shown that, when a firearm is easily accessible, the risk of unintentional shootings rises dramatically.

This Legislature further finds that the access to [presence of] an unsecured, easily accessible loaded weapon in the home increases the likelihood of death or injury from accidents and impulsive acts. Guns left unattended in the home should be kept locked or stored securely to prevent access by children and others who should not have access to them. Gun owners are responsible for keeping their firearms from falling into the hands of children and other unauthorized individuals.

The purpose of this Local Law is to provide for and promote the health, safety and welfare of the general public by requiring that all unattended weapons be either locked with an appropriate safety lock or otherwise stored in a safe storage depository so as to prevent unauthorized access and use.

SECTION 3. Definitions.

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

a. Weapon shall be defined as any rifle, shotgun, or firearm, [machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm,] as those terms are defined in Section 265.00 of the New York State Penal Law;

b. Serious physical injury and physical injury shall be defined as provided in Section 10.00 of the Penal Law.

c. Safety locking device shall mean an [design adaptation,] attached accessory or device installed, that when activated or installed prevents the discharge or firing of the weapon.

d. Safe storage depository shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein.

e. Person shall include corporation, partnership, business or other entity.

f. Operable shall mean, in relation to a weapon, that the weapon is capable, when loaded with ammunition, of being fired or discharged. A weapon which is appropriately locked with a safety lock or stored within a safe storage depository shall not be considered operable for purposes of this Local Law.

SECTION 4. Safety locks or safe storage depositories required.

No person who owns or is custodian of a weapon shall store or otherwise leave such weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon.

SECTION 5. Negligent storage of a weapon in the second degree.

A person is guilty of the negligent storage of a weapon in the second degree when he or she stores or leaves a weapon out of his or her immediate control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon. [an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian.]

SECTION 6. Negligent storage of a weapon in the first degree.

A person is guilty of the negligent storage of a weapon in the first degree when, he or she stores or leaves a weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device

appropriate to that weapon [an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian] and such weapon is accessed by a person who is not the owner or custodian of the weapon and [such weapon is used to] discharged, causing physical injury, serious physical injury or death to any person.

SECTION 7. Requirements at transfer of a weapon.

No person shall sell, deliver or transfer any weapon to another person unless the transferee is provided at the time of sale, delivery or transfer with a safety locking device that is capable of preventing that particular weapon from firing.

SECTION 8. Penalties.

1. Any violation of sections 4, 5, and/or 7 shall be a violation and shall be punished by [imprisonment of not more than 15 days or by] a fine of not more than \$1,000[, or both].

2. Notwithstanding the foregoing, any person who violates sections 4, 5, and/or 7 and who has previously been found guilty of a violation of either of those provisions shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or by a fine of not more than \$1,500, or both.

3. Each violation of section 6 shall constitute a misdemeanor and a person found guilty of such misdemeanor shall be punished by imprisonment for not more than one year or by a fine of not more than \$3,000, or both.

SECTION 9. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 10. Effective Date

This law shall take effect immediately upon its filing with the Secretary of State.

Referred to Law and Public Safety Committees – 9/12/22

LOCAL LAW “P” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGARDING A TELEWORKING PROGRAM FOR EMPLOYEES

Introduced: 11/14/22

By Mr. Efekoro:

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

Section 1. Title.

This Local Law shall be known as the "Albany County Employees Teleworking Law".

Section 2. Purpose.

The Albany County Legislature has a long history of supporting our County workforce, and it will continue to do so while adjusting to the changing nature of work. This Local Law provides teleworking options for County employees and has numerous benefits for both the County and its employees. First, allowing employees to telework reduces greenhouse gases by both reducing the number of cars on the road and allows opportunities for the County to substantially reduce its carbon footprint. Second, it promotes work/life balance for County employees, allowing more time for leisure activities or the ability to stay at home with family. These benefits will positively affect not just the County workforce, but their families, communities, and the environment as well.

Section 3. Teleworking Programs.

The Albany County Department of Human Resources shall establish written policies which allow Albany County employees, where reasonable and not detrimental to work performance, to perform all or a portion of their duties through remote teleworking, with periodic evaluations and reconsideration. Each County agency shall designate a telework coordinator responsible for overseeing the implementation of its teleworking program.

Section 4. Definitions.

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

(a) "Telework" shall mean the performance of regular work functions at a remote location rather than at the county agency's principal office location; and

(b) "County Agency" shall mean any Albany County department, division, public authority, public benefit corporation, office, or other governmental entity which performs a governmental or proprietary function for the county.

(c) "Telework coordinator" shall mean the person designated for each County agency who is responsible for overseeing that agencies' teleworking program.

Section 5. Eligibility; Decisions on Applications.

- (1) Employees may request to telework by completing a teleworking application provided by the telework coordinator.
- (2) Eligibility for teleworking shall be determined by the Human Resources Department in conjunction with the County agency's telework coordinator, following an assessment of the regular work duties required by each title or title category, with such employee input as may be necessary. These determinations shall be applied similarly across the employees within each title or category in each Department.
- (3) Decisions on teleworking applications shall be made within 30 business days from the date the application is received and must be written and include an approval, approval in part, denial, or denial in part.
- (4) If an application for telework is denied in full or in part, reasons for the denial must be listed in the denial document.
- (5) Prior to starting remote work pursuant to a teleworking program, all employee performance standards for each title or title category shall be reduced to writing.

Section 6. Supersession.

Nothing in this Local Law shall supersede existing laws, regulations, or personnel policies applicable to employees with injuries, illnesses, environmental health conditions, or disabilities, or with the reasonable application of employee-earned leave time including, but not limited to, sick, compensatory, paid or unpaid family leave, Federal or State guaranteed leave time, or vacation time.

This Local Law shall not supersede any existing telework policies and/or programs which resulted from any collective bargaining agreement with Albany County.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, corporation 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 of the Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the Local Law or in its application to the person, individual, firm, corporation or circumstance directly involved in the controversy in which such judgment or order may be rendered.

Section 8. Effective Date.

This local law shall take effect 90 days after its filing with the Secretary of State.

Referred to Law and Personnel Committees – 11/14/22

RESOLUTION NO. 113

**REQUESTING THAT THE NEW YORK STATE LIQUOR AUTHORITY
CHANGE THE HOURS OF SALE OF WINE AND LIQUOR IN ALBANY
COUNTY**

Introduced: 3/13/23

By Feeney and A. Joyce:

WHEREAS, Pursuant to New York Alcoholic Beverage Control Law §105(14)(a), wine and liquor stores licensed by the New York State Liquor Authority (SLA) are permitted to be open between the hours of 8:00AM and midnight every day of the week except Sunday, and

WHEREAS, New York Alcoholic Beverage Control Law §17(11) allows a county legislative body to request changes to these hours and, following a SLA-held public hearing, the SLA will either approve or disapprove the requested change in hours, and

WHEREAS, Currently, wine and liquor stores in Albany County are restricted beyond what is required by state law and only allowed to be open between the hours of 9:00AM and 9:00PM every day of the week except Sunday, and

WHEREAS, A majority of surrounding counties do not have this restriction and allow wine and liquor to be sold for off-premises consumption between the hours of 8:00AM and midnight every day of the week except Sunday, and

WHEREAS, The Albany County Legislature requests that the SLA change the hours of sale of wine and liquor for off-premises consumption in Albany County to 8:00AM to 11:00PM every day of the week except Sunday between November 15 and January 7 each year to allow wine and liquor store owners in Albany County more freedom in setting their store hours and allow consumers more flexibility to shop at wine and liquor stores in the County, now, therefore, be it

RESOLVED, That pursuant to New York State Alcoholic Beverage Control Law §17(11), the Albany County Legislature hereby requests that the New York State Liquor Authority change Albany County's restriction on sales of wine and liquor for off-premises consumption to permit their sale from 8:00AM to 11:00PM every day of the week except Sunday between November 15 and January 7 each year, 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 as well as the New York State Liquor Authority so that notice be given and a hearing on this request be held within the County.

LOCAL LAW NO. "B" FOR 2023

A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO REAL PROPERTY TAX LAW § 466-A

Introduced: 3/13/23

By McLean Lane, Cleary, Feeney, Miller, Reidy, A. Joyce, Mayo, Reinhardt, Bruschi, Plotsky, O'Brien, Kuhn, Cunningham, Lekakis, Simpson, Burgdorf, Collins, Drake, Grimm, Lockart, Mauriello, Perlee, Smith, Tunny and Whalen:

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

Section 1. Legislative intent and purpose.

The Albany County Legislature finds that attracting and retaining quality volunteer firefighters and emergency medical personnel is one of the most critical problems facing communities in Albany County and that maintaining effective emergency protection depends on the ability to train and retain volunteers.

The Legislature further finds that it is essential for the County and its municipalities to provide real property tax exemptions as an incentive to attract new volunteers and help combat a persistent and alarming decline in the number of volunteers serving as active responders to fire and medical emergencies. Unless recruits are found to replace retiring volunteers and seasoned members are encouraged to continue their volunteer service, the health and safety of citizens served by the volunteer firefighter and emergency medical personnel corps may be jeopardized.

The Legislature further finds that real property tax exemptions are an effective and appropriate way to recognize the personal sacrifices and dedication of these community-spirited volunteers who unselfishly give their time and risk their safety to protect their neighbors without compensation.

The purpose of this Local Law is to adopt the real property tax exemptions for volunteer firefighters and emergency medical personnel in accordance with Real Property Tax Law § 466-a.

Section 2. Real Property Tax Exemption.

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, or such enrolled member and spouse residing in the County of Albany shall be exempt from taxation to the extent of 10 percent of the assessed value of such property for County purposes, exclusive of special assessments.

Section 3. Qualifications.

Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance services if:

- (a) the applicant resides in the County of Albany and is a member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which provides service within the city, village, town or school district.
- (b) the real property which is the subject of such exemption is the primary residence of the applicant.
- (c) the real property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Local Law.
- (d) the applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two years.

Section 4. Continuation of eligibility requirements.

The applicant shall maintain continual eligibility for the exemption during the period in which the applicant serves as either an active volunteer firefighter or an active volunteer ambulance service worker, except as otherwise permitted in Section 5 of this Local Law:

- (1) As defined in General Municipal Law § 215(1), active volunteer firefighter "means a person who has been approved by the authorities in control of a

duly organized New York State volunteer fire company or New York State volunteer fire department as an active volunteer firefighter of the fire company or department and who is faithfully and actually performing service in the protection of life and property from fire or other emergency, accident or calamity in connection with which the services of the fire company or fire department are required.”

- (2) As defined in Volunteer Ambulance Workers’ Benefit Law § 3(1), active volunteer ambulance service worker “means an active volunteer member of an ambulance company as specified on a list regularly maintained by that company.”

Section 5. Twenty year active members.

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service, as defined in Section 3 (d) hereof, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this Local Law for the remainder of his or her life, as long as his or her primary residence is located within the County of Albany.

Section 6. Un-remarried surviving spouses of volunteers killed in the line of duty.

An un-remarried spouse of a volunteer firefighter or volunteer ambulance service worker killed in the line of duty may receive the real property tax exemption for the remainder of his or her life, as long as his or her primary residence is located within the County of Albany, if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and.
2. Such deceased volunteer had been an enrolled member for at least five years; and.
3. Such deceased volunteer and un-remarried spouse had been receiving the exemption prior to his or her death.

Section 7. Un-remarried surviving spouses of volunteers with at least twenty years of service.

An un-remarried spouse of a volunteer firefighter or volunteer ambulance service worker with at least twenty years of service may receive the real property tax exemption for the remainder of his or her life, as long as his or her primary residence is located within the County of Albany, if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service.
2. Such deceased volunteer had been an enrolled member for at least twenty years.
3. Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

Section 8. Application process.

1. Applications for such exemption shall be filed with the assessor of the city, village or town on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.
2. The assessor of the city, village or town shall have the duty and responsibility of procuring and filing a copy of such certification prior to granting the exemption provided for by this Local Law.

Section 9. No diminution of current benefits.

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

Section 10. Effective Date.

This local law shall take effect on January 1, 2024 and shall apply to taxable status dates occurring on or after such date.

RESOLUTION NO. 116

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2023: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO REAL PROPERTY TAX LAW § 466-A

Introduced: 3/13/23

By McLean Lane:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "B" for 2023, "A Local Law of the County of Albany Providing Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers Pursuant to Real Property Tax Law § 466-A" to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, April 25, 2023, 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.

LOCAL LAW NO. "B" FOR 2023

A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO REAL PROPERTY TAX LAW § 466-A

Introduced: 3/13/23

By McLean Lane, Cleary, Feeney, Miller, Reidy, A. Joyce, Mayo, Reinhardt, Bruschi, Plotsky, O'Brien, Kuhn, Cunningham, Lekakis, Simpson, Burgdorf, Collins, Drake, Grimm, Lockart, Mauriello, Perlee, Smith, Tunny and Whalen:

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

Section 1. Legislative intent and purpose.

The Albany County Legislature finds that attracting and retaining quality volunteer firefighters and emergency medical personnel is one of the most critical problems facing communities in Albany County and that maintaining effective emergency protection depends on the ability to train and retain volunteers.

The Legislature further finds that it is essential for the County and its municipalities to provide real property tax exemptions as an incentive to attract new volunteers and help combat a persistent and alarming decline in the number of volunteers serving as active responders to fire and medical emergencies. Unless recruits are found to replace retiring volunteers and seasoned members are encouraged to continue their volunteer service, the health and safety of citizens served by the volunteer firefighter and emergency medical personnel corps may be jeopardized.

The Legislature further finds that real property tax exemptions are an effective and appropriate way to recognize the personal sacrifices and dedication of these community-spirited volunteers who unselfishly give their time and risk their safety to protect their neighbors without compensation.

The purpose of this Local Law is to adopt the real property tax exemptions for volunteer firefighters and emergency medical personnel in accordance with Real Property Tax Law § 466-a.

Section 2. Real Property Tax Exemption.

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, or such enrolled member and spouse residing in the County of Albany shall be exempt from taxation to the extent of 10 percent of the assessed value of such property for County purposes, exclusive of special assessments.

Section 3. Qualifications.

Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance services if:

- (a) the applicant resides in the County of Albany and is a member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which provides service within the city, village, town or school district.
- (b) the real property which is the subject of such exemption is the primary residence of the applicant.
- (c) the real property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Local Law.
- (d) the applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two years.

Section 4. Continuation of eligibility requirements.

The applicant shall maintain continual eligibility for the exemption during the period in which the applicant serves as either an active volunteer firefighter or an active volunteer ambulance service worker, except as otherwise permitted in Section 5 of this Local Law:

- (1) As defined in General Municipal Law § 215(1), active volunteer firefighter "means a person who has been approved by the authorities in control of a

duly organized New York State volunteer fire company or New York State volunteer fire department as an active volunteer firefighter of the fire company or department and who is faithfully and actually performing service in the protection of life and property from fire or other emergency, accident or calamity in connection with which the services of the fire company or fire department are required.”

- (2) As defined in Volunteer Ambulance Workers’ Benefit Law § 3(1), active volunteer ambulance service worker “means an active volunteer member of an ambulance company as specified on a list regularly maintained by that company.”

Section 5. Twenty year active members.

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service, as defined in Section 3 (d) hereof, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this Local Law for the remainder of his or her life, as long as his or her primary residence is located within the County of Albany.

Section 6. Un-remarried surviving spouses of volunteers killed in the line of duty.

An un-remarried spouse of a volunteer firefighter or volunteer ambulance service worker killed in the line of duty may receive the real property tax exemption for the remainder of his or her life, as long as his or her primary residence is located within the County of Albany, if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and.
2. Such deceased volunteer had been an enrolled member for at least five years; and.
3. Such deceased volunteer and un-remarried spouse had been receiving the exemption prior to his or her death.

Section 7. Un-remarried surviving spouses of volunteers with at least twenty years of service.

An un-remarried spouse of a volunteer firefighter or volunteer ambulance service worker with at least twenty years of service may receive the real property tax exemption for the remainder of his or her life, as long as his or her primary residence is located within the County of Albany, if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service.
2. Such deceased volunteer had been an enrolled member for at least twenty years.
3. Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

Section 8. Application process.

1. Applications for such exemption shall be filed with the assessor of the city, village or town on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.
2. The assessor of the city, village or town shall have the duty and responsibility of procuring and filing a copy of such certification prior to granting the exemption provided for by this Local Law.

Section 9. No diminution of current benefits.

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

Section 10. Effective Date.

This local law shall take effect on January 1, 2024 and shall apply to taxable status dates occurring on or after such date.