

# **County of Albany**

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



## **Meeting Agenda**

**Wednesday, August 28, 2024**

**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. "E" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 146 OF THE ALBANY COUNTY CODE TO INCLUDE A PROHIBITION ON THE USAGE OF HAZARDOUS WASTE ASH IN PRODUCTS
3. REQUIRING PROGRAMMATIC INFORMATION IN REQUESTS FOR LEGISLATIVE ACTION AND CODIFYING EXISTING PRACTICES
4. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "K" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK CREATING CHAPTER 202 OF THE ALBANY COUNTY CODE, PROHIBITING THE USE OF EMPLOYMENT PROMISSORY NOTES AND OTHER SIMILAR PROVISIONS
5. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "L" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING CHAPTER 112 OF THE ALBANY COUNTY CODE TO CREATE A PUBLIC ART FUND
6. LOCAL LAW NO. "E" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 146 OF THE ALBANY COUNTY CODE TO INCLUDE A PROHIBITION ON THE USAGE OF HAZARDOUS WASTE ASH IN PRODUCTS
7. LOCAL LAW NO. "I" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 265 OF THE ALBANY COUNTY CODE TO UPDATE THE TATTOO CODE PROVISIONS
8. LOCAL LAW NO. "J" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY
9. LOCAL LAW NO. "K" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK CREATING CHAPTER 202 OF THE ALBANY COUNTY CODE, PROHIBITING THE USE OF EMPLOYMENT PROMISSORY NOTES AND OTHER SIMILAR PROVISIONS

- 10. LOCAL LAW NO. "L" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING CHAPTER 112 OF THE ALBANY COUNTY CODE TO CREATE A PUBLIC ART FUND

**CURRENT BUSINESS:**

- 11. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "M" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE REGARDING THE WELFARE AND SAFETY OF PETS IN VEHICLES
- 12. LOCAL LAW NO. "M" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE REGARDING THE WELFARE AND SAFETY OF PETS IN VEHICLES
- 13. AMENDING THE 2024 ALBANY COUNTY BUDGET: YOUTH VIOLENCE PREVENTION AND RESPONSE COMMUNITY INITIATIVE
- 14. AUTHORIZING AGREEMENTS WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING AID TO DEFENSE GRANT FUNDING AND AMENDING THE 2024 ALBANY COUNTY BUDGET

# County of Albany

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



## Meeting Minutes

**Wednesday, July 24, 2024**

**6:00 PM**

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

## Law Committee

**PREVIOUS BUSINESS:**

**Present:** Jeffrey D. Kuhn, Dustin M. Reidy, Dennis A. Feeney, Susan C. Laurilliard, Victoria Plotsky, Bill L. Ricard and Paul J. Burgdorf

**Excused:** Carolyn McLaughlin and Jennifer A. Whalen

**1. APPROVING PREVIOUS MEETING MINUTES**

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

**2. REQUIRING PROGRAMMATIC INFORMATION IN REQUESTS FOR LEGISLATIVE ACTION AND CODIFYING EXISTING PRACTICES**

This proposal was tabled at the request of the Sponsor.

**3. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "D" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK CREATING CHAPTER 182 OF THE ALBANY COUNTY CODE, PROHIBITING FALSE AND MISLEADING STATEMENTS BY CRISIS PREGNANCY CENTERS**

This proposal was withdrawn at the request of the Sponsor.

**4. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 146 OF THE ALBANY COUNTY CODE TO INCLUDE A PROHIBITION ON THE USAGE OF HAZARDOUS WASTE ASH IN PRODUCTS**

This proposal was tabled at the request of the Committee.

**5. LOCAL LAW NO. "D" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK CREATING CHAPTER 182 OF THE ALBANY COUNTY CODE, PROHIBITING FALSE AND MISLEADING STATEMENTS BY CRISIS PREGNANCY CENTERS**

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

**6. LOCAL LAW NO. "E" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 146 OF THE ALBANY COUNTY CODE TO INCLUDE A PROHIBITION ON THE USAGE OF HAZARDOUS WASTE ASH IN PRODUCTS**

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

7. LOCAL LAW NO. "I" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 265 OF THE ALBANY COUNTY CODE TO UPDATE THE TATTOO CODE PROVISIONS

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

8. LOCAL LAW NO. "J" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY

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

#### **CURRENT BUSINESS:**

9. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "K" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK CREATING CHAPTER 202 OF THE ALBANY COUNTY CODE, PROHIBITING THE USE OF EMPLOYMENT PROMISSORY NOTES AND OTHER SIMILAR PROVISIONS

This proposal was tabled at the request of the Sponsor.

10. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "L" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING CHAPTER 112 OF THE ALBANY COUNTY CODE TO CREATE A PUBLIC ART FUND

This proposal was tabled at the request of the Sponsor.

11. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "M" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE REGARDING THE WELFARE AND SAFETY OF PETS IN VEHICLES

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

12. LOCAL LAW NO. "K" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK CREATING CHAPTER 202 OF THE ALBANY COUNTY CODE, PROHIBITING THE USE OF EMPLOYMENT PROMISSORY NOTES AND OTHER SIMILAR PROVISIONS

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

- 13. LOCAL LAW NO. "L" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING CHAPTER 112 OF THE ALBANY COUNTY CODE TO CREATE A PUBLIC ART FUND**

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

- 14. LOCAL LAW NO. "M" FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE REGARDING THE WELFARE AND SAFETY OF PETS IN VEHICLES**

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

- 15. AUTHORIZING AN AGREEMENT WITH AXON ENTERPRISE, INC. REGARDING DIGITAL EVIDENCE STORAGE AND MANAGEMENT AND AMENDING THE 2024 PUBLIC DEFENDER'S OFFICE BUDGET**

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

- 16. AUTHORIZING AGREEMENTS REGARDING ALBANY COUNTY INSURANCE COVERAGE**

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

- 17. ADOPTING THE RENSSELAER COUNTY BUSINESS ANALYSIS AND RISK ASSESSMENT FOR ACCEPTING ELECTRONIC SIGNATURES ON CONTRACTS, AMENDMENTS, AND MEMORANDUMS OF UNDERSTANDING**

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

## LOCAL LAW “E” FOR 2024

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 146 OF THE ALBANY COUNTY CODE TO INCLUDE A PROHIBITION ON THE USAGE OF HAZARDOUS WASTE ASH IN PRODUCTS

Introduced: 4/8/24

By Reinhardt, Simpson and Fein:

BE IT ENACTED by the Albany County Legislature as follows:

#### **Section 1. § 146-34 – Title.**

This local law hereby creates Chapter 146, Article 5, **Prohibition on Usage of Hazardous Waste Ash.**

#### **Section 2. § 146-35 - Legislative Purpose and Intent.**

The Albany County Legislature hereby finds and determines that the incineration of hazardous waste produces fly ash, flue gas emission control waste, and slag (hereinafter collectively as "hazardous waste ash"). Hazardous waste ash may contain chemicals and heavy metals such as arsenic, barium, cadmium, chromium, lead, mercury, and nickel, which are all potentially toxic to humans and are known to cause or contribute to cancer, lung and heart ailments, liver and kidney damage, neurological damage, and premature mortality.

Hazardous waste ash may also contain mineralogical toxins such as fine crystalline when the feedstock to the industrial process contain silica. Fine particulate crystalline silica induces silicosis when inhaled and is a known respiratory health risk. Hazardous waste ash may be inhaled and become lodged in the deepest parts of the human respiratory system, leading to potentially fatal inflammation and immunological reactions. Fine particulate crystalline silica can induce silicosis and lung cancer separate from silicosis and smoking when inhaled and is a known health risk for chronic obstructive pulmonary disease (COPD) and kidney disease.

Under certain existing commercial practices, hazardous waste ash is included in aggregate material used to formulate commonly encountered compounds such as concrete, pavement, and other compounds found in commerce. The inclusion of hazardous waste ash in aggregate material and commonly encountered compounds exposes the public to potentially toxic substances and endangers public health.

#### **Section 3. § 146-36 – Definitions.**



"Aggregate" -- any natural or artificial mixture typically consisting of but not limited to sand, gravel, crushed stone, vermiculite, clinker, expanded or sintered clay or shale, foamed slag, or recycled concrete or asphalt that is used as an ingredient in compound materials.

"Product" -- any aggregate, compound, item, substance, material, component, system, or subsystem sold or traded or produced for sale or trade to the general public in the course of normal business operations.

"Compound" -- asphalt concrete, portland cement concrete, concrete block, structural concrete, unreinforced or lightweight concrete, or any other substance composed of aggregate that is used in construction and engineering applications.

"Fine-Particle Control Device" -- any apparatus, structure, or method of filtration that falls into any of the following general categories:

- (i) fabric filters, also known as baghouses or bag filters;
- (ii) electrostatic collectors, including dry and wet electrostatic precipitators and ionizing wet scrubbers;
- (iii) wet inertial-impaction collectors, including venturi scrubbers and advanced designs that use flux-force condensation-enhancement techniques; or
- (iv) cyclone separators or any other apparatus, structure, or method that is capable of separating fine particles from gas.

"Flue Gas Emission Control Waste" -- the particulates recovered from fine-particle control devices and other receptacles during the treatment of flue gas.

"Fly Ash" -- the fine, lightweight particulates that are transported from the combustion chamber by flue gases into exhaust stacks or other receptacles.

"Hazardous Waste Ash" -- fly ash, flue gas emission control waste, and slag produced as a byproduct of incineration of hazardous waste.

"Slag" -- the molten or once-molten ash that collects on fine-particle control devices or other receptacles as well as chunks in bottom ash.

"Person" -- any individual, public or private corporation, industry, co-partnership, association, firm, trust, estate or private legal entity.

#### **Section 4. § 146-37 - Prohibition on Usage of Hazardous Waste Ash in Products.**

No person shall mix, combine or blend hazardous waste ash with any product. This prohibition shall also apply to any material collected from fine-particle control devices

serving as pollution control or containment systems at any hazardous waste incinerator or kiln that is permitted by the department to receive and combust hazardous waste with or without energy recovery.

This prohibition shall not apply to the use or reuse of hazardous waste materials by any Department or Division of Albany County. Specifically, ash product that is produced through the incineration of wastewater sludge at the Albany County Water Purification District is not considered a hazardous material pursuant to this Local Law and is thereby exempt from the provisions of this legislation.

### **Section 5. § 146-38 - Enforcement.**

Any person or entity who violates the provisions of this Local Law shall be subject to the imposition of a civil penalty by the Commissioner of Health of not more than \$5,000 for a first violation, \$10,000 for a second violation, and \$20,000 for each violation thereafter.

The civil penalties provided by this section shall be recoverable in an action instituted in the name of the County of Albany. The County of Albany may also institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this Local Law.

### **Section 6. Severability**

The provisions of this Act shall be severable, and if any phrase, clause, sentence or provision is declared to be invalid or is preempted by Federal or State law or regulation, the validity of the remainder of this Act shall not be affected.

### **Section 7. 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 8. Effective Date.**

This Local Law act shall take effect on the ninetieth day after it shall have become a law.

*Referred to Conservation, Sustainability, and Green Initiatives and Law  
Committees – 4/8/24*

**RESOLUTION NO. 215**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “E” FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 146 OF THE ALBANY COUNTY CODE TO INCLUDE A PROHIBITION ON THE USAGE OF HAZARDOUS WASTE ASH IN PRODUCTS**

Introduced: 4/8/24

By Reinhardt and Simpson:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “E” for 2024, “A Local Law of the County of Albany, New York Amending Chapter 146 of the Albany County Code to Include a Prohibition on the Usage of Hazardous Waste Ash in Products” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, April 23, 2024, 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 – 4/8/24*

*Favorable Recommendation Rules Review and Legislative Modernization Committee – 6/25/24*

**RESOLUTION NO. 311**

**REQUIRING PROGRAMMATIC INFORMATION IN REQUESTS FOR LEGISLATIVE ACTION AND CODIFYING EXISTING PRACTICES**

Introduced: 5/13/24

By: Conway, Burgdorf, Collins, Drake, Grimm, Lockart, Mauriello, Perlee, Whalen

WHEREAS, The Albany County Legislature is responsible for the approval of Albany County's contracting and procurement above a \$100,000 threshold; and

WHEREAS, In the course of its business, the Legislature considers many different contracts which relate to the direct provision of services to individuals, with services covering a wide range of areas including provision of warm shelter to the homeless, rehabilitation, workforce training, and many other types of programs; and

WHEREAS, In order to fully consider the impact of aforementioned programming, as well as the fitness of existing contractors to continue to provide those programs, County Legislators must often ask many additional questions in committee meetings in order to establish a basic framework for the operation and scope of the programs; and

WHEREAS, The aforementioned programmatic legislative items are submitted to the Legislature as "Requests for Legislative Action" from the executive branch of Albany County's government; and

WHEREAS, Requests for Legislative Action are not presently codified within the Legislature's Rules of Order or in the Albany County Charter, instead existing as convention reliant on the directive of the sitting County Executive; and

WHEREAS, Best practices suggest a basic codification of the form of Requests for Legislative Action would ensure the efficient consideration and passage of these items beyond the terms of existing officials; and

WHEREAS, Requests for Legislative Action should include additional detail regarding the efficacy and scope of direct service programs in order to allow legislators to consider the whole effect of a proposal prior to committee meetings, now, therefore be it

RESOLVED, By the Albany County Legislature, that Rule 11 of the Legislative Rules of Order shall be amended to read as follows:

**RULE 11 - LEGISLATION PROCEDURE**

Each resolution shall be consecutively numbered and the title shall state concisely the subject matter thereof. All resolutions and local laws which are to be presented to the Legislature for its consideration shall be delivered to the office of the Clerk of the Legislature, County Attorney and Majority and Minority Counsels, by 12:00 noon on the second Wednesday preceding the date of the organizational meeting, annual meeting or each regular monthly meeting of the Legislature, and by 12:00 noon two (2) business days prior to any special meeting that may be called. Any proposal submitted by the County Executive or any department, agency, office, or any other part of the executive branch, or by any other countywide elected official, shall include a cover letter and form detailing the following information, if applicable:

1. Purpose of request and/or type of contract;
2. Budgetary impact, including the amount increased or decreased in a specific budget line, any applicable bond resolutions, as well as a description of the source of funding divided by Federal, State, County, and Local shares;
3. Whether the requested action is required by mandate, and, if so, by what authority;
4. Previous legislative history, including similar items;
5. Term of contract;
6. Potential impact on pending litigation;
7. For programs, including contracted programs, providing direct services, products or other benefits to county residents: the number of persons to be served; the number of persons served in prior years (if applicable); and, if measured, quantifiable benefits to those benefiting from the program/service/products; and
8. Justification in support of the requested action.

These proposals shall be known as a Request for Legislative Action (“RLA”). The Clerk may reject any RLA that does not include the submissions required under this Rule. The Clerk shall include all such resolutions and proposed local laws in the agenda to be distributed as herein set forth and make available to each legislator such agenda by 4:00 p.m. on the Tuesday preceding such meetings, exclusive of special meetings. The Clerk shall make the agenda for special meetings available one business day prior to the special meeting. Resolutions and local laws not contained in the printed agenda, but which require immediate attention, may be introduced with the consent of the majority of the Legislature with copies provided to members of the Legislature, the County Attorney, Majority and Minority Counsels and the Clerk of the Legislature prior to the start of the Legislative meeting at which the proposed Rule 11 is being offered. Legislation offered under Rule 11 should be of the

type where timely passage is of the essence, and legislation offered under lesser circumstances may not be allowed.

Each resolution shall be numbered in consecutive order beginning with number one each year. A resolution shall retain its number throughout the legislative process. However, if a resolution is amended, the letter A for the first time amended, the letter B for the second time amended, and so on shall be added to the resolution number to signify each amendment(s).

Each local law shall be assigned a letter for introduction purposes in consecutive order beginning with the letter A each year. Once duly adopted, a local law shall be assigned a number and numbered in consecutive order starting with the number one beginning with the first local law adopted each year.

Each resolution or local law shall have a title which shall concisely state the subject matter thereof.

Resolutions and local laws not contained in the printed agenda may only be introduced after all other printed agenda items have been addressed, and only with the consent of the majority of the Legislature, and only if complete copies thereof are provided to each member, the County Attorney, Majority and Minority Counsels and the Legislative Clerk prior to the introduction of said proposed Legislation.

and, be it further

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

**LOCAL LAW NO. “K” FOR 2024**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK CREATING CHAPTER 202 OF THE ALBANY COUNTY CODE, PROHIBITING THE USE OF EMPLOYMENT PROMISSORY NOTES AND OTHER SIMILAR PROVISIONS**

Introduced: 7/8/24

By McLean Lane and Willingham:

A Local Law creating Chapter 202 of the Albany County Code, entitled **Labor**, and Article 1 of such Chapter, entitled **Employment Promissory Notes**, to prohibit the use of employment promissory notes and other similar provisions in Albany County.

BE IT ENACTED by the Albany County Legislature as follows:

**Section 1. Chapter Creation.**

Chapter 202, **Labor** is hereby created.

Chapter 202, Article I, **Employment Promissory Notes**, is hereby created.

**Section 2. § 202-1, Title.**

This Local Law shall be known as the “Albany County Trapped at Work Law.”

**Section 3. § 202-2, Legislative Intent.**

Workers’ ability to change jobs freely is critical to their economic liberty as well as to creating a thriving and innovative economy in the County of Albany.

A key tenet of worker protections and empowerment is that the cost of any training required by an employer to perform a job should be borne by the employer who ultimately stands to financially benefit from a well-trained workforce.

Employment provisions that indebt workers to their former employers upon separation for the cost of training reduce those workers’ professional mobility, create obstacles toward financial security, and stifle the County economy.

Therefore, this legislature finds it necessary to prohibit the use of employment promissory notes and other similar provisions to protect workers in Albany County from employment-based debts by ensuring that employers bear the expenses for training they require for their workers.



#### **Section 4. § 202-3, Definitions.**

1. “Employer” means any individual, partnership, association, corporation, limited liability company, trust, government or government subdivision, or organized group that hires or contracts with a worker to work for the employer.
  - (a) “Employer” includes any subsidiary of an employer and any individual, partnership, association, corporation, limited liability company, trust, government or government subdivision, or organized group associated with an employer that provides training to workers.
2. “Worker” means any individual who is permitted to work for or on behalf of an employer.
  - (a) “Worker” includes any employee, independent contractor, extern, intern, volunteer, apprentice, sole proprietor who provides a service or services to an employer or to a client or customer of an employer on behalf of such employer, or individual who provides service through a business or nonprofit entity or association.
  - (b) “Worker” shall not include an individual whose sole relationship with an employer is as a vendor of goods, even if the individual performs incidental service for the employer.
3. “Employment promissory note” means any instrument, agreement, or contract provision that requires a worker to pay the employer, or their agent or assignee, a sum of money if the worker leaves such employment before the passage of a stated period of time.
  - (a) “Employment promissory note” includes any such instrument, agreement, or contract provision which states such payment of moneys constitutes reimbursement or training provided to the worker by the employer or a third party.

#### **Section 5. § 202-4, Scope.**

1. This article supersedes common law only to the extent that it applies to an employment promissory note but otherwise does not affect principles of law and equity consistent with this article.
2. The rights and remedies provided pursuant to this article shall be in addition to, and shall not supersede, any other rights and remedies provided by statute or common law.

**Section 6. § 202-4, Prohibiting the Use of Employment Promissory Notes.**

1. No employer may require, as a condition of employment, any worker or prospective worker to execute an employment promissory note. The execution of an employment promissory note as a condition of employment is against public policy and any such note shall be void. If any such note is part of a larger agreement, the invalidity of such note shall not affect the other provisions of such agreement.
2. Nothing in this section shall prohibit or render void or unenforceable any agreement between a worker and an employer that:
  - (a) requires the worker to repay the employer any sums advanced to such worker by the employer, unless such sums were used to pay for training related to the worker's employment with the employer;
  - (b) requires the worker to pay the employer for any property it has sold or leased to such worker;
  - (c) requires educational personnel to comply with any terms or conditions of sabbatical leaves granted by their employers; or
  - (d) is entered into as part of a program agreed to by the employer and its workers' collective bargaining representative.

**Section 7. § 202-5, Enforcement and Penalties.**

1. Any employer found to have violated this article shall be fined not less than \$1,000 and not more than \$5,000 for each violation. Each worker or prospective worker whom an employer required to execute an employment promissory note or against whom an employer seeks to enforce such a note shall constitute a separate violation of this article.
2. Any worker or prospective worker for whom an employer requires execution of an employment promissory note as a condition of employment or against whom an employer seeks to enforce such a note may bring an action against such employer to recover actual damages or \$5,000, whichever is greater, and injunctive relief. In the event of a successful action, the court shall award any plaintiff reasonable costs and attorney fees.

**Section 8. Severability.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a 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 which shall remain in full force and effect except as limited by such order or judgment.

**Section 9. 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 10. Effective Date.**

This local law shall take effect immediately following its filing with the Office of the Secretary of State.

**RESOLUTION NO. 419**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “K” FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK CREATING CHAPTER 202 OF THE ALBANY COUNTY CODE, PROHIBITING THE USE OF EMPLOYMENT PROMISSORY NOTES AND OTHER SIMILAR PROVISIONS**

Introduced: 7/8/24

By McLean Lane and Willingham:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “K” for 2024, “A Local Law of the County of Albany, New York Creating Chapter 202 of the Albany County Code, Prohibiting the Use of Employment Promissory Notes and Other Similar Provisions” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, July 23, 2024, 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. “L” FOR 2024**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING  
CHAPTER 112 OF THE ALBANY COUNTY CODE TO CREATE A PUBLIC  
ART FUND**

Introduced: 7/8/24

By Reidy:

A Local Law creating Chapter 112 of the Code of the County of Albany, entitled **Arts and Culture**, and Article 1 of such Chapter, entitled **Public Art Fund**, to provide public financial support for public art in Albany County.

BE IT ENACTED by the Albany County Legislature as follows:

**Section 1. Chapter Creation.**

Chapter 112, **Arts and Culture** is hereby created.

Chapter 112, Article I, **Public Art Fund**, is hereby created.

**Section 2. § 112-1, Title.**

This Local Law shall be known as the “Albany County Matthew Peter Public Art Law.”

**Section 3. § 112-2, Legislative Intent.**

The Albany County Legislature hereby finds and determines that art is essential to the human experience and should be accessible to all County residents.

The Legislature further finds and determines that, in addition to aesthetic value, public art installations provide a community-building effect that evoke empathy, understanding, identity, and a sense of belonging.

The Legislature further finds and determines that public art is an indispensable tool combat blight, promote mental and physical health, deter criminal activity, and increase public safety in communities.

The Legislature further finds and determines that public art allows the community to participate in the creation of public spaces and is a powerful way to increase neighborhood pride and identity, foster social bonds, and provide access to art for all people regardless of their circumstance.

The Legislature further finds and determines that public art brings economic benefits such as increased tourism and new jobs by encouraging pedestrian activity, improving the viability of local businesses, and stimulating the local creative economy.

The Legislature further finds and determines that local artists should be valued for their work and provided opportunities to use their essential talents and skills to better the County in exchange for fair compensation.

The Legislature further finds and determines that due to the aforementioned reasons, Albany County would benefit greatly from the creation of a funding mechanism for public art related to certain County capital construction projects.

**Section 4. § 112-3, Definitions.**

“Public Art” includes any application of artistic skill to the production of tangible objects according to aesthetic principles. “Public Art” includes, but is not limited to, paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, fountains, streetscapes, drawings, ceramics, topiary, and other decorative public use features.

“Capital Projects” includes:

- (a) New construction of a building or of additional space added to a building; and/or
- (b) Any reconstruction or renovation of a building or part of a building, whether financed through the issuance of bonds, pay-as-you-go funding, or other non-County funding sources.

“Projects” shall not include those which are solely for rehabilitation of equipment.

“Cost of a Project” includes design, architectural and engineering fees, site work, construction, and contingency allowances for a project.

“Public Art Fund” means a fund to which 1 percent of the value of a new capital project, up to a maximum of \$10,000 for each capital project, will be allocated to fund public art initiatives in Albany County.

“Board” refers to the Public Art Board of Directors.

“Master Public Art Plan” means the annual plan drafted by the Public Art Committee to ensure a transparent, culturally-competent acquisition program and clear implementation guidelines.

**Section 5. § 112-4, Public Art Fund.**

Capital projects that are \$250,000 or greater, whether funded by capital funds or operating funds, shall include the appropriation of funds equal to 1 percent of the cost of the project, with said funds to be appropriated for the acquisition, maintenance, and management of public art, except where the appropriating resolution, bond resolution, or budget may provide otherwise; provided, however, that, where applicable, such amount shall be reduced to the extent that state funds, Federal funds, and funding derived from water rates, water quality treatment charges, sewer rents and sewage, wastewater and refuse collection charges in the County, are not authorized to be used for such purpose. The maximum allocated for public art shall be \$10,000 from each eligible capital project.

A public art fund shall be created by the Department of Management and Budget to hold funds for implementation of the projects finalized in the Master Public Art Plan and/or projects chosen by the Public Art Board of Directors. The fund shall be known as the “Matthew Peter Public Art Fund” in memory of the late Legislator Matthew Peter who championed public art projects in the City of Albany.

The use of any funds appropriated for any project for public art purposes shall be in accordance with the Master Public Art Plan, except that any such funds provided from the proceeds of County serial bonds or notes shall be used only for public art purposes related to the project for which such bonds or notes were authorized. To the extent the total appropriation of a project is not used for the acquisition of works of art for said project, upon the approval of the County Legislature, the remainder may be used for:

- (a) Arts program administrative costs, insurance costs, or the repair and maintenance of any artwork acquired under this law; or
- (b) Supplementing other appropriations for the acquisition of artwork under this law or to place artwork in or near government facilities which have already been constructed.

**Section 6. § 112-5, Public Art Board of Directors.**

- A. There shall be Public Art Board of Directors, henceforth referred to as the Board, consisting of five voting members. The County Executive shall appoint one member, the Majority Leader of the Legislature shall appoint two members, the Chair of the Legislative Black Caucus shall appoint one member, and the full County Legislature shall appoint one member. All five members shall be subject to confirmation by the Legislature. The Board shall appoint a Chair from its membership to serve a one-year term.
- B. All Board members shall be experts in the fields of art, art history, architecture, or architectural history. Members must be residents of Albany County and may not be a County employee or officer or serve on any other

County advisory boards. Members shall be professionally associated with local visual arts groups, such as art galleries or art schools, or have at least 10 years of experience creating professional art.

- C. In addition to the five voting Board members, the County Executive, the Chair of the Legislature, the Chair of the Legislature's Public Works Committee, and the Majority Leader of the Legislature, or their designees, shall serve as ex officio members of the Board.
- D. The Board shall choose the method of acquisition of public art for each project. Methods of acquisition may include, but are not limited to, projects of preexisting art, direct commission, art competition, request for proposals, or acceptance of donations.
- E. For each project, the Board may convene a panel comprised of at least three Board members, one of whom shall be designated panel Chair. The Board may also appoint additional art experts to serve as members of the project panel. The Board may appoint additional members to the panel to serve as advisors, such as community representatives, County employees, project managers, or others who will have frequent contact with the public art when it is completed. An architect or engineer shall be an ex officio member of each panel. The panel shall review the scope of each project and shall make recommendations to the Board on the nature of the public art to be considered for the project, the method of acquisition for each project, the specific artist and the specific art for each project, and what portion of the budget for each project shall be used for refurbishing or restoring existing works of art or to be set aside for the maintenance of a work of art.
- F. The acquisition and siting of all artwork shall be subject to legislative approval.
- G. Ownership and title of all works of public art acquired by the County under this Local Law shall be vested in the County of Albany.
- H. The Board shall create by-laws, subject to legislative approval, which will govern the conduct and operations of the Board.
- I. The Albany County Department of Economic Development and Planning shall serve as coordinator for the program and provide staff support to the Board.
- J. The Board shall deliver an annual report to the County Legislature detailing its operations, Master Public Art Plan, and art created under its authority.

**Section 7. § 112-6, Master Public Art Plan.**



The Board shall prepare an annual Master Public Art Plan (“Plan”), subject to legislative approval, to ensure a transparent, culturally-competent acquisition program and clear implementation guidelines. The Board shall hold a public hearing on the Master Public Art Plan prior to its approval. The Master Public Art Plan shall be approved by the Board and submitted to the legislature annually by March 1.

- (a) All acquisitions and sales of public art shall be in accordance with the Master Public Art Plan. The Board shall recommend acquisitions and the hiring of artists in addition to overseeing the public education and curatorial aspects of the acquisition program.
- (b) The Plan shall make all efforts to be equitable and include artists from a variety of different backgrounds for public art projects. The siting of these projects shall be County-wide, but shall include efforts to place art in underserved areas.
- (c) The Plan shall make all efforts to utilize artists who are County residents.
- (d) The Plan shall emphasize the importance of fair and adequate compensation for artists.
- (e) The Plan shall be voted on by the Legislature and presented to the Department of Economic Development and Planning by May 1<sup>st</sup> each year.
- (f) The Board shall, through the Plan and its acquisition program, make best efforts to call for artist submissions and publicize the intention to find appropriate art within 30 days of the Plan’s approval each year.
- (g) Final contracts to authorize public art contracts and the hiring of artists are subject to approval by the Albany County Legislature.

### **Section 8. Severability.**

If any clause, sentence, paragraph, section, subdivision, or other part of this Local Law or its application shall be adjudged by a 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 which shall remain in full force and effect except as limited by such order or judgment.

### **Section 9. 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 10. Effective Date.**

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

**RESOLUTION NO. 420**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “L” FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING CHAPTER 112 OF THE ALBANY COUNTY CODE TO CREATE A PUBLIC ART FUND**

Introduced: 7/8/24

By Reidy:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “L” for 2024, “A Local Law of the County of Albany, New York Establishing Chapter 112 of the Albany County Code to Create a Public Art Fund” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, July 23, 2024, 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 “E” FOR 2024

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 146 OF THE ALBANY COUNTY CODE TO INCLUDE A PROHIBITION ON THE USAGE OF HAZARDOUS WASTE ASH IN PRODUCTS

Introduced: 4/8/24

By Reinhardt, Simpson and Fein:

BE IT ENACTED by the Albany County Legislature as follows:

#### **Section 1. § 146-34 – Title.**

This local law hereby creates Chapter 146, Article 5, **Prohibition on Usage of Hazardous Waste Ash.**

#### **Section 2. § 146-35 - Legislative Purpose and Intent.**

The Albany County Legislature hereby finds and determines that the incineration of hazardous waste produces fly ash, flue gas emission control waste, and slag (hereinafter collectively as "hazardous waste ash"). Hazardous waste ash may contain chemicals and heavy metals such as arsenic, barium, cadmium, chromium, lead, mercury, and nickel, which are all potentially toxic to humans and are known to cause or contribute to cancer, lung and heart ailments, liver and kidney damage, neurological damage, and premature mortality.

Hazardous waste ash may also contain mineralogical toxins such as fine crystalline when the feedstock to the industrial process contain silica. Fine particulate crystalline silica induces silicosis when inhaled and is a known respiratory health risk. Hazardous waste ash may be inhaled and become lodged in the deepest parts of the human respiratory system, leading to potentially fatal inflammation and immunological reactions. Fine particulate crystalline silica can induce silicosis and lung cancer separate from silicosis and smoking when inhaled and is a known health risk for chronic obstructive pulmonary disease (COPD) and kidney disease.

Under certain existing commercial practices, hazardous waste ash is included in aggregate material used to formulate commonly encountered compounds such as concrete, pavement, and other compounds found in commerce. The inclusion of hazardous waste ash in aggregate material and commonly encountered compounds exposes the public to potentially toxic substances and endangers public health.

#### **Section 3. § 146-36 – Definitions.**

"Aggregate" -- any natural or artificial mixture typically consisting of but not limited to sand, gravel, crushed stone, vermiculite, clinker, expanded or sintered clay or shale, foamed slag, or recycled concrete or asphalt that is used as an ingredient in compound materials.

"Product" -- any aggregate, compound, item, substance, material, component, system, or subsystem sold or traded or produced for sale or trade to the general public in the course of normal business operations.

"Compound" -- asphalt concrete, portland cement concrete, concrete block, structural concrete, unreinforced or lightweight concrete, or any other substance composed of aggregate that is used in construction and engineering applications.

"Fine-Particle Control Device" -- any apparatus, structure, or method of filtration that falls into any of the following general categories:

- (i) fabric filters, also known as baghouses or bag filters;
- (ii) electrostatic collectors, including dry and wet electrostatic precipitators and ionizing wet scrubbers;
- (iii) wet inertial-impaction collectors, including venturi scrubbers and advanced designs that use flux-force condensation-enhancement techniques; or
- (iv) cyclone separators or any other apparatus, structure, or method that is capable of separating fine particles from gas.

"Flue Gas Emission Control Waste" -- the particulates recovered from fine-particle control devices and other receptacles during the treatment of flue gas.

"Fly Ash" -- the fine, lightweight particulates that are transported from the combustion chamber by flue gases into exhaust stacks or other receptacles.

"Hazardous Waste Ash" -- fly ash, flue gas emission control waste, and slag produced as a byproduct of incineration of hazardous waste.

"Slag" -- the molten or once-molten ash that collects on fine-particle control devices or other receptacles as well as chunks in bottom ash.

"Person" -- any individual, public or private corporation, industry, co-partnership, association, firm, trust, estate or private legal entity.

#### **Section 4. § 146-37 - Prohibition on Usage of Hazardous Waste Ash in Products.**

No person shall mix, combine or blend hazardous waste ash with any product. This prohibition shall also apply to any material collected from fine-particle control devices

serving as pollution control or containment systems at any hazardous waste incinerator or kiln that is permitted by the department to receive and combust hazardous waste with or without energy recovery.

This prohibition shall not apply to the use or reuse of hazardous waste materials by any Department or Division of Albany County. Specifically, ash product that is produced through the incineration of wastewater sludge at the Albany County Water Purification District is not considered a hazardous material pursuant to this Local Law and is thereby exempt from the provisions of this legislation.

### **Section 5. § 146-38 - Enforcement.**

Any person or entity who violates the provisions of this Local Law shall be subject to the imposition of a civil penalty by the Commissioner of Health of not more than \$5,000 for a first violation, \$10,000 for a second violation, and \$20,000 for each violation thereafter.

The civil penalties provided by this section shall be recoverable in an action instituted in the name of the County of Albany. The County of Albany may also institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this Local Law.

### **Section 6. Severability**

The provisions of this Act shall be severable, and if any phrase, clause, sentence or provision is declared to be invalid or is preempted by Federal or State law or regulation, the validity of the remainder of this Act shall not be affected.

### **Section 7. 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 8. Effective Date.**

This Local Law act shall take effect on the ninetieth day after it shall have become a law.

*Referred to Conservation, Sustainability, and Green Initiatives and Law  
Committees – 4/8/24*

**LOCAL LAW NO. "I" FOR 2024**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 265 OF THE ALBANY COUNTY CODE TO UPDATE THE TATTOO CODE PROVISIONS**

Introduced: 6/10/24

By Fein and R. Joyce:

BE IT ENACTED by the Albany County Legislature as follows:

**Section 1. Amending § 265-3, Tattoo and/or body piercing artist certification.**

§ 265-3 (E) - The applicant must be 18 years of age and shall be required to demonstrate, by examination, knowledge of the provisions of this chapter, including those relating to aseptic technique designed to prevent the spread of infection and contagious disease by tattooing or body piercing practices.

§ 265-3 (G) - A tattoo and/or body piercing artist certification shall expire on July 31 of each year, renewable annually in July for the period next commencing August 1.

**Section 2. Amending § 265-4, Shop certificate of sanitation.**

§ 265-4 (C) - The shop certificate of sanitation shall expire on July 31 of each year, renewable annually in July for the period next commencing August 1.

**Section 3. Amending § 265-6, Work room.**

§ 265-6 (A) - Each tattoo and/or body piercing shop shall have a work room separate and apart from a waiting room or any room or rooms used as such. [The work room shall not be used as a corridor for access to other rooms.] Patrons or customers shall be tattooed and/or body pierced only in said work room.

§ 265-6 (B) - The work room shall be equipped with hot and cold running water and necessary sinks and basins, or if sinks are unavailable, FDA approved antiseptic rub also known as waterless surgical scrub. For permanent tattoo and/or body piercing shops, self-dispensing waterless scrub stations with motion detection or foot pedal activation shall be required if sinks are unavailable.

**Section 4. Amending § 265-7, Recordkeeping and information requirements.**

§ 265-7 (A) - The records shall be maintained, whether by electronic means or by traditional methods such as ink or indelible pencil, in a dedicated electronic database



or bound book kept solely for this purpose. This book shall be available at a reasonable time for examination by the Health Officer and shall be preserved for at least three years from the date of the last entry therein. The signature of the patron shall be in the bound book record.

#### **Section 5. Amending § 265-8, Operating standards; consent.**

§ 265-8 (A) - Written consent for [tattooing or] body piercing of minors, when legally permissible, shall be obtained from at least one parent or legal guardian. The writing shall be notarized and filed in person at the tattoo and/or body piercing shop. Proof of age shall be determined upon presentation of two forms of valid identification. Valid identification shall include: a picture driver's license, picture sheriff's identification or birth certificate.

#### **Section 6. Amending § 265-9, Operating procedures and restrictions.**

§ 265-9 (A) - There shall be printed [or mimeographed] instructions, as approved by the Department, given to each patron or customer on the care of the skin after tattooing or body piercing as a precaution to prevent infection.

§ 265-9 (F) - Before working on each patron, the fingernails of the tattoo and/or body piercing artist shall be cleaned with an individual nail file and the hands thoroughly disinfected by scrubbing the hands with a brush, soap, and washing with warm water or using a FDA approved antiseptic rub also known as waterless surgical scrub. Hands that are visibly soiled should be washed prior to the application of a waterless scrub. Subsequent hand washing should be done by washing with warm water and soap using a hand brush, or by utilizing a FDA-approved antiseptic rub, also known as a waterless surgical scrub.

§ 265-9 (I) - Following the cleaning and shaving of the patron's skin, the hands of the tattoo and/or body piercing artist shall again be disinfected as described by Subsection F of this section. Disposable gloves shall then be worn by the tattoo and/or body piercing artist.

#### **Section 7. Severability.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a 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 which shall remain in full force and effect except as limited by such order or judgment.

#### **Section 8. 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 9. Effective Date.**

This local law shall take effect immediately following its filing with the Office of the Secretary of State.

## LOCAL LAW NO. “M” FOR 2024

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE REGARDING THE WELFARE AND SAFETY OF PETS IN VEHICLES

Introduced: 7/8/24

By Ward, Feeney, Plotsky, Beston, Cleary, Rosano, Ricard, Laurilliard and Lekakis:

A Local Law amending Chapter 288 of the Albany County Code to create penalties for driving with a pet positioned on the driver’s lap, roaming freely in the driver’s immediate area, obstructing the driver’s view, interfering with vehicle control, or engaging in distracting behaviors for the driver.

BE IT ENACTED by the Albany County Legislature as follows:

#### **Section 1. New Article Added.**

This Local Law hereby amends Chapter 288 by adding a new Article V, titled **Welfare and Safety of Pets in Vehicles**.

#### **Section 2. § 288-26, Title.**

This Local Law shall be known as the “PAWS Law: Pets in Automobiles – Welfare and Safety.”

#### **Section 3. § 288-27, Legislative Purpose and Intent.**

This Legislature recognizes the importance of ensuring the safety and well-being of both drivers and their pets while traveling on our roadways. Pets can be a source of distraction for drivers, diverting their attention away from the road and increasing the likelihood of accidents.

The Legislature acknowledges that driving with a pet on one’s lap or allowing a pet to roam freely in the driver’s immediate area can significantly impair a driver’s ability to safely operate a motor vehicle. This behavior increases the risk of accidents, injuries, and fatalities for both vehicle occupants, other road users, and pedestrians. Prohibiting pets from sitting on the driver helps minimize distractions and contributes to safer driving conditions.

The current penalties for distracted driving, while valuable in addressing various forms of driver distraction, do not adequately address the specific danger posed by driving with a pet on one's lap or in the driver’s immediate area. The risks associated

with this behavior are significant and warrant special attention and deterrent measures.

Therefore, the purpose of this Local Law is to promote responsible pet ownership and enhance public safety by prohibiting drivers from operating a motor vehicle with a pet on their lap, roaming freely in the driver's immediate area, obstructing the driver's view, or engaging in distracting behaviors.

#### **Section 4. § 288-28, Definitions.**

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

“Distracted Driving” – Any activity that diverts attention from driving, including:

- Visual Distractions: Taking the driver’s eyes off the road.
- Manual Distractions: Taking the driver’s hands off the wheel.

For the purposes of this law, distracted driving specifically includes, but is not limited to, driving with a pet that is:

- Positioned on the driver’s lap.
- Roaming freely in the driver’s immediate/grabbable area.
- Obstructing the driver’s view.
- Interfering with vehicle control.

“Pet” – Any domesticated animal that is commonly kept for companionship or household purposes, including but not limited to dogs, cats, rabbits, birds, and other similar animals.

“Driver’s Immediate Area” – The space encompassing the driver’s seat, including the driver’s lap, shoulders, arms, and any part of the vehicle that the driver can directly reach while maintaining a seated driving position (also known as the “grabbable area”).

“Obstructing the Driver’s View” – Any position or movement of a pet that blocks or limits the driver’s ability to see the road, mirrors, instruments, or other vehicles.

“Distracting Behaviors” – Actions performed by a pet that divert the driver’s attention from operating the vehicle safely, including but not limited to climbing onto the steering wheel, dashboard, or other areas that require the driver’s focus.

“Interfering with Vehicle Control” – Any action or presence of a pet that hinders the driver’s ability to operate the vehicle’s steering, braking, accelerating, or other essential driving functions.

**Section 5. § 288-29, Prohibitions.**

- (A) No person shall operate a motor vehicle while a pet is positioned on their lap or within the driver's immediate/grabbable area. This shall not include a pet that is located on the front passenger seat.
- (B) No person shall operate a motor vehicle with a pet roaming freely in the driver's immediate/grabbable area, including on the driver's lap, shoulders, or arms.
- (C) No driver shall operate a motor vehicle with a pet obstructing the driver's view or interfering with their control of the vehicle in any way.
- (D) No driver shall operate a motor vehicle with a pet engaging in distracting behaviors.
- (E) This Local Law shall not apply in cases where a reasonable accommodation is provided under the Americans with Disabilities Act (ADA).

**Section 6. § 288-30, Enforcement and Penalties for Offenses.**

- (A) Any person who breaches any provision of this article shall be guilty of a violation, punishable by a fine not exceeding \$250 [\$500] for a first offense, and a fine not exceeding \$500 [\$1,000 or by imprisonment for a period not exceeding 15 days, or both,] for each subsequent offense.
- (B) Any person who causes physical injury to another person or damage to real or personal property while violating any provision of this article shall be liable for the payment of restitution, as determined by a court of competent jurisdiction.

**Section 7. Severability.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a 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 which shall remain in full force and effect except as limited by such order or judgment.

**Section 8. 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 9. Effective Date.**

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

**RESOLUTION NO. 423**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “M” FOR 2024: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE REGARDING THE WELFARE AND SAFETY OF PETS IN VEHICLES**

Introduced: 7/8/24

By Ward, Feeney, Plotsky, Beston, Rosano, Ricard, Laurilliard and Lekakis:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “M” for 2024, “A Local Law of the County of Albany, New York Amending Chapter 288 of the Albany County Code Regarding the Welfare and Safety of Pets in Vehicles” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, July 23, 2024, 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 Committee – 7/8/24*

*Favorable Recommendation Law Committee – 7/24/24*

**LOCAL LAW NO. “M” FOR 2024**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE REGARDING THE WELFARE AND SAFETY OF PETS IN VEHICLES**

Introduced: 7/8/24

By Ward, Feeney, Plotsky, Beston, Cleary, Rosano, Ricard, Laurilliard and Lekakis:

A Local Law amending Chapter 288 of the Albany County Code to create penalties for driving with a pet positioned on the driver’s lap, roaming freely in the driver’s immediate area, obstructing the driver’s view, interfering with vehicle control, or engaging in distracting behaviors for the driver.

BE IT ENACTED by the Albany County Legislature as follows:

**Section 1. New Article Added.**

This Local Law hereby amends Chapter 288 by adding a new Article V, titled **Welfare and Safety of Pets in Vehicles**.

**Section 2. § 288-26, Title.**

This Local Law shall be known as the “PAWS Law: Pets in Automobiles – Welfare and Safety.”

**Section 3. § 288-27, Legislative Purpose and Intent.**

This Legislature recognizes the importance of ensuring the safety and well-being of both drivers and their pets while traveling on our roadways. Pets can be a source of distraction for drivers, diverting their attention away from the road and increasing the likelihood of accidents.

The Legislature acknowledges that driving with a pet on one’s lap or allowing a pet to roam freely in the driver’s immediate area can significantly impair a driver’s ability to safely operate a motor vehicle. This behavior increases the risk of accidents, injuries, and fatalities for both vehicle occupants, other road users, and pedestrians. Prohibiting pets from sitting on the driver helps minimize distractions and contributes to safer driving conditions.

The current penalties for distracted driving, while valuable in addressing various forms of driver distraction, do not adequately address the specific danger posed by driving with a pet on one’s lap or in the driver’s immediate area. The risks associated



with this behavior are significant and warrant special attention and deterrent measures.

Therefore, the purpose of this Local Law is to promote responsible pet ownership and enhance public safety by prohibiting drivers from operating a motor vehicle with a pet on their lap, roaming freely in the driver's immediate area, obstructing the driver's view, or engaging in distracting behaviors.

#### **Section 4. § 288-28, Definitions.**

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

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- Obstructing the driver’s view.
- Interfering with vehicle control.

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“Distracting Behaviors” – Actions performed by a pet that divert the driver’s attention from operating the vehicle safely, including but not limited to climbing onto the steering wheel, dashboard, or other areas that require the driver’s focus.

“Interfering with Vehicle Control” – Any action or presence of a pet that hinders the driver’s ability to operate the vehicle’s steering, braking, accelerating, or other essential driving functions.

### **Section 5. § 288-29, Prohibitions.**

- (A) No person shall operate a motor vehicle while a pet is positioned on their lap or within the driver's immediate/grabbable area. This shall not include a pet that is located on the front passenger seat.
- (B) No person shall operate a motor vehicle with a pet roaming freely in the driver's immediate/grabbable area, including on the driver's lap, shoulders, or arms.
- (C) No driver shall operate a motor vehicle with a pet obstructing the driver's view or interfering with their control of the vehicle in any way.
- (D) No driver shall operate a motor vehicle with a pet engaging in distracting behaviors.
- (E) This Local Law shall not apply in cases where a reasonable accommodation is provided under the Americans with Disabilities Act (ADA).

### **Section 6. § 288-30, Enforcement and Penalties for Offenses.**

- (A) Any person who breaches any provision of this article shall be guilty of a violation, punishable by a fine not exceeding \$250 [\$500] for a first offense, and a fine not exceeding \$500 [\$1,000 or by imprisonment for a period not exceeding 15 days, or both,] for each subsequent offense.
- (B) Any person who causes physical injury to another person or damage to real or personal property while violating any provision of this article shall be liable for the payment of restitution, as determined by a court of competent jurisdiction.

### **Section 7. Severability.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a 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 which shall remain in full force and effect except as limited by such order or judgment.

### **Section 8. 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 9. Effective Date.**

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



DANIEL P. McCOY  
COUNTY EXECUTIVE

MICHAEL P. McLAUGHLIN JR  
DEPUTY COUNTY EXECUTIVE

COUNTY of ALBANY  
CRIME VICTIM and SEXUAL VIOLENCE CENTER  
112 State Street, Room 1010  
Albany, New York 12207-2077  
Office: (518) 447-7100 Fax: (518) 447-7102  
24-Hour Sexual Assault Hotline: (518) 447-7716  
[cvsvc@albanycountyny.gov](mailto:cvsvc@albanycountyny.gov)  
[www.albanycounty.com/cvsvc](http://www.albanycounty.com/cvsvc)  
e-mail: [cvsvc@albanycounty.com](mailto:cvsvc@albanycounty.com)

KAREN ZIEGLER  
DIRECTOR

AMANDA WINGLE  
DEPUTY DIRECTOR

Hon. Joanne Cunningham, Chairwoman  
Albany County Legislature  
112 State St. Room 710  
Albany, NY 12207

August 6, 2024

Dear Chairwoman Cunningham:

The Crime Victim and Sexual Violence Center (CVSVC) has been granted funding for a youth violence prevention and response community initiative from Albany County. I am requesting permission to amend the 2024 budget and accept \$47,968 to fund three months of this initiative. This is a pro-rated amount for 10/1/2024-12/31/2024 with the ultimate goal of three years total programming. If any further information is required or if you have any questions regarding this request, please contact me.

Respectfully submitted,

Amanda Wingle  
Acting Director

Cc:  
Dennis Feeney, Majority Leader  
Frank Mauriello, Minority Leader  
Rebekah 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-5696, **Version:** 1

### **REQUEST FOR LEGISLATIVE ACTION**

**Description (e.g., Contract Authorization for Information Services):**

Authorizing Funding for Youth Violence Prevention and Response Community Initiative

Date: 07/26/2024

Department: CVSVC

Attending Meeting: Amanda Wingle

Submitted By: Amanda Wingle

Title: Acting Director

Phone: 518-447-4911

Purpose of Request: Budget Amendment      Enter text.

### **CONTRACT TERMS/CONDITIONS:**

Party Names and Addresses:

Enter text.

Term: (Start/end date or duration) 10/1/2024-12/31/2024

Amount/Raise Schedule/Fee: \$47,968

### **BUDGET INFORMATION:**

Is there a Fiscal Impact: Yes  No

Anticipated in Budget: Yes  No

Spreadsheet attached: Yes  No

### **Source of Funding - (Percentages)**

Federal: Enter text. County: 100

State: Enter text. Local: Enter text.

### **County Budget Accounts:**

Revenue Account and Line: 44976 Albany County Improvement Inti

Revenue Amount: \$47,968

Appropriation Account and Line: Personnel 4610 .1, Computer Equipment 4610 .2, Contractual 4610 .4,  
Fringe 4610 .8

Appropriation Amount: \$47,968

### **ADDITIONAL INFORMATION:**

Mandated Program/Service: Yes  No

If Mandated, Cite Authority: Enter text.

Request for Bids / Proposals:

Competitive Bidding Exempt: Yes  No

# of Response(s): Enter text.

# of MWBE: Enter text.

# of Veteran Business: Enter text.

Bond Resolution No.: Enter text.

Apprenticeship Program Yes  No

Previous requests for Identical or Similar Action:

Resolution/Law Number and Date: N/A

**DESCRIPTION OF REQUEST:** (state briefly why legislative action is requested)

The request is for CVSVC to accept \$47,968 to fund three months of a youth violence prevention and response community initiative. This is a pro-rated amount for 10/1/2024-12/31/2024 with the ultimate goal of three years total programming. CVSVC will provide community education services to prevent youth violence. CVSVC will provide education and support to youth; parents/caregivers; skill building (i.e. emotion regulation; coping skill development; communication skills, conflict resolution) for youth; and activities for younger children not directly involved in the programming. CVSVC will partner with community agencies to reach those affected by community violence and provide victim services, such as counseling, court advocacy, or case management.

## CVSVC Youth Violence Prevention and Response Community Initiative

### Scope of Services

CVSVC will provide a coordinated, comprehensive program to

- (1) address the roots of community violence;
- (2) respond to the victims of community violence (on an individual, family, and community level);  
and
- (3) offer prevention education/community mobilization to decrease/eliminate future violence.

CVSVC staff will provide anti-violence prevention education to youth: pre-K through high school in the schools, as well as in after-school programs and activities (i.e. scout troops, sports clubs, community programming such as Boys and Girls club). The prevention education program would cover topics such as skill building emotion regulation, coping skill development, communication skills, and conflict resolution.

CVSVC staff will deliver an educational curriculum for justice-system involved youth with the goal of reducing recidivism rates. The curriculum would cover those topics mentioned above, as well as provide activities for youth. The activities would be largely determined by youth interest. After the educational curriculum, we can provide on-going engagement with at least two levels of involvement. Upon completion of the programming, youth can be Messengers (limited involvement for those not fully engaged – i.e. assisting with tabling in the community) or Youth Ambassadors (fully engaged youth who can co-facilitate trainings or other community events; for example, co-leading monthly support groups for the community). On-going engagement is crucial to mobilize the community to decrease/eliminate future violence.

CVSVC staff will offer family-based engagement to those interested. In addition to activities for youth such as those mentioned above, we will also offer education and support to parents/caregivers.

Working with community partners to ensure we are reaching individuals affected by community violence, CVSVC staff will continue to offer victim services such as therapy, court advocacy, and case management.





**APPROPRIATIONS**

BUDGET LINE						DESCRIPTION	INCREASE
FUND	ORG	OBJ	PROJECT	FOR POSITIONS ONLY			
				STATE POS. CODE	POSITION CONTROL		
A	4610	12104		001	450035	Clinical Director	\$21,000
A	4610	12232		001	450003	Clinical Supervisor	
A	4610	12239		001	450036	Prevention Educator	12,400.00
	4610	22050				Computer Equipment	\$2,500
A	4610	44049				Special Programs	\$5,000
						Printing	\$500
A	4610	89010				State Retirement	\$2,150
A	4610	89030				Social Security	\$948
A	4610	89060				Hospital and Medical	\$3,470
A	8020	44976				Albany County Improvement Inti	
<b>TOTAL APPROPRIATIONS</b>							<b>47,968.00</b>

**ESTIMATED REVENUE**

BUDGET LINE						DESCRIPTION	DECREASE
FUND	ORG	OBJ	PROJECT	FOR POSITIONS ONLY			
				STATE POS. CODE	POSITION CONTROL		
A	0000	00000	00000	000	000000		
<b>TOTAL REVENUES</b>							<b>0.00</b>
<b>GRAND TOTAL</b>							<b>47,968.00</b>

DECREASE	UNIT COST	DEPARTMENT NAME

	\$82,150	Crime Victims Sexual Violence Center
\$18,037	\$72,150	Crime Victims Sexual Violence Center
	\$49,567	Crime Victims Sexual Violence Center
	\$2,500	Crime Victims Sexual Violence Center
	\$5,000	Crime Victims Sexual Violence Center
	\$500	Crime Victims Sexual Violence Center
		Crime Victims Sexual Violence Center
		Crime Victims Sexual Violence Center
		Crime Victims Sexual Violence Center

29,931.00                      Economic Development, Conservation and Planning

47,968.00

IES		
INCREASE	UNIT COST	DEPARTMENT NAME

0.00

47,968.00



DANIEL P. MCCOY  
COUNTY EXECUTIVE

STEPHEN W. HERRICK  
PUBLIC DEFENDER

COUNTY OF ALBANY  
PUBLIC DEFENDER  
112 STATE STREET, 2<sup>ND</sup> FLOOR  
ALBANY, NEW YORK 12207  
PHONE: (518) 447-7150 FAX: (518) 447-5533  
www.albanycounty.com

August 21, 2024

Honorable Joanne Cunningham, Chairwoman  
Albany County Legislature  
112 State Street, Room 710  
Albany, New York 12207

Dear Chairwoman Cunningham:

The Public Defender's Office, Alternate Public Defender's Office and Assigned Counsel Program are seeking to accept grant funds from the NYS Division of Criminal Justice Services (DCJS) in the amount of \$1,439,718 to administer the Aid to Defense for Discovery Reform and Aid to Defense - Supplemental Programs, as well as to authorize related amendments to the County's 2024 budget.

Funds from the two grant programs will be used toward the following.

Public Defender:

- Discovery Analysis Software, Software Training, and Computer Hardware
- Contracted Services for Trial Presentation and Video Transcription
- New Forensic Attorney Position
- New IT Discovery Tech Position
- Employee Retention Stipends

Alternate Public Defender:

- Case Management System Software
- Employee Retention Stipends

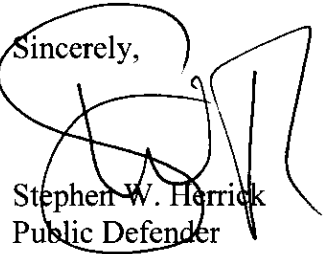
Assigned Counsel Program:

- Case Management System Software
- Contracted Discovery Analysis Services
- Discovery Analysis Software
- New Senior Attorney Position
- Employee Retention Stipends

These direct awards, based on DCJS formulas, cover April 1, 2023 to March 31, 2025 and are expected to be recurring. There are no County matches.

If you require any supplemental information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. W. Herrick", written over the typed name and title.

Stephen W. Herrick  
Public Defender

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



# County of Albany

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

## Legislation Text

**File #:** TMP-5808, **Version:** 1

### **REQUEST FOR LEGISLATIVE ACTION**

**Description (e.g., Contract Authorization for Information Services):**

**AUTHORIZING ACCEPTANCE OF AID TO DEFENSE FOR DISCOVERY REFORM AND AID TO DEFENSE - SUPPLEMENTAL GRANT FUNDS FROM NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND RELATED 2024 BUDGET AMENDMENTS**

**Date:** 8/20/24  
**Department:** Public Defender's Office  
**Attending Meeting:** Judge Stephen W. Herrick, Tina Sodhi and Thomas DeBose  
**Submitted By:** Keith Bulatao  
**Title:** Director of Accounts  
**Phone:** 518-447-7771

**Purpose of Request:** Contract Authorization Grant Award Acceptance and related Budget Amendments

### **CONTRACT TERMS/CONDITIONS:**

**Party Names and Addresses:**  
New York State Division of Criminal Justice Services  
80 South Swan Street  
Albany NY 12210

**Term: (Start/end date or duration)** 4/1/23 to 3/31/25  
**Amount/Raise Schedule/Fee:** \$1,439,718

### **BUDGET INFORMATION:**

**Is there a Fiscal Impact:** Yes  No   
**Anticipated in Budget:** Yes  No   
**Spreadsheet attached:** Yes  No

### **Source of Funding - (Percentages)**

**Federal:** Enter text. **County:** Enter text.  
**State:** 100% **Local:** Enter text.

### **County Budget Accounts:**

**Revenue Account and Line:** A.1170.0.3351, A.1171.0.3351, A.1172.0.3351, A.1170.0.3352,  
A.1171.0.3352, A.1172.0.3352  
**Revenue Amount:** \$1,204,864  
**Appropriation Account and Line:** Various in A.1770, A.1171, A.1172  
**Appropriation Amount:** \$1,204,864

**ADDITIONAL INFORMATION:**

Mandated Program/Service: Yes  No   
If Mandated, Cite Authority: Enter text.  
Request for Bids / Proposals:  
    Competitive Bidding Exempt: Yes  No   
    # of Response(s): Enter text.  
    # of MWBE: Enter text.  
    # of Veteran Business: Enter text.  
Bond Resolution No.: Enter text.  
Apprenticeship Program Yes  No

**Previous requests for Identical or Similar Action:**

Resolution/Law Number and Date: Enter text.

**DESCRIPTION OF REQUEST:** (state briefly why legislative action is requested)

The Public Defender’s Office, Alternate Public Defender’s Office and Assigned Counsel Program are seeking to accept grant funds from the NYS Division of Criminal Justice Services (DCJS) in the amount of \$1,439,718 to administer the Aid to Defense for Discovery Reform and Aid to Defense - Supplemental Programs, as well as to authorize related amendments to the County’s 2024 budget.

Funds from the two grant programs will be used toward the following.

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- Discovery Analysis Software, Software Training, and Computer Hardware
- Contracted Services for Trial Presentation and Video Transcription
- New Forensic Attorney Position
- New IT Discovery Tech Position
- Employee Retention Stipends

Alternate Public Defender:

- Case Management System Software
- Employee Retention Stipends

Assigned Counsel Program:

- Case Management System Software
- Contracted Discovery Analysis Services
- Discovery Analysis Software
- New Senior Attorney Position
- Employee Retention Stipends

These direct awards, based on DCJS formulas, cover April 1, 2023 to March 31, 2025 and are expected to be recurring. There are no County matches.

**APPROPRIATIONS**

BUDGET LINE			DESCRIPTION	INCREASE	DECREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ					
FOR POSITIONS ONLY							
			STATE POS. CODE	POSITION CONTROL			
A	1170	19954	10000				Enhanced Pay
A	1170	12058	10000	\$529,335			Forensic Attorney
A	1170	12219	10000	\$26,824			IT Discovery Tech
A	1170	22050	10000	\$15,759			Computer Equipment
A	1170	44039	10000	\$5,140			Conferences/Training/Tuition
A	1170	44046	10000	\$10,000			Fees For Services
A	1170	44121	10000	\$59,194			Specialized Services
A	1170	89010	10000	\$78,737			State Retirement
A	1170	89030	10000	\$4,173			Social Security
A	1170	89060	10000	\$3,258			Hospital And Medical Insurance
A	1171	19954	10000	\$15,138			Enhanced Pay
A	1171	44120	10000	\$171,170			Discovery/Storage/Case Mgt Sys
A	1172	12043	10000	\$123,972			Senior Attorney
A	1172	19954	10000	\$13,133			Enhanced Pay
A	1172	44120	10000	\$10,059			Discovery/Storage/Case Mgt Sys
				\$138,972			
<b>TOTAL APPROPRIATIONS</b>				\$1,204,864			\$0

**ESTIMATED REVENUES**

BUDGET LINE			DESCRIPTION	DECREASE	INCREASE	UNIT COST	DEPARTMENT NAME
FUND	ORG	OBJ					
FOR POSITIONS ONLY							
			STATE POS. CODE	POSITION CONTROL			
A	1170	03351	10000				Aid to Defense for Disc. Reform
A	1170	03352	10000	\$311,686			Aid to Defense - Supplemental
A	1171	03351	10000	\$435,872			Aid to Defense for Disc. Reform
A	1171	03352	10000	\$143,972			Aid to Defense - Supplemental
A	1172	03351	10000	\$151,170			Aid to Defense for Disc. Reform
A	1172	03352	10000	\$143,972			Aid to Defense - Supplemental
				\$18,192			
<b>TOTAL REVENUES</b>				\$0	\$1,204,864		
<b>GRAND TOTAL</b>				\$1,204,864	\$1,204,864		



Division of Criminal Justice Services

KATHY HOCHUL
Governor

ROSSANA ROSADO
Commissioner

CILLIAN FLAVIN
Deputy Commissioner

Grant Award Notice

Table with 2 columns and 5 rows containing grant details: Grantee/Contractor (Albany County), Date (June 14, 2024), Program Name (Aid to Defense for Discovery Reform), Award Amount (\$719,859), Signatory Name and Title (County Executive Daniel McCoy), Term Dates (4/1/23 to 3/31/25), Email (county\_executive@albanycountyny.gov)

This award can be used for any eligible expenses incurred before 3/31/25.

The Division of Criminal Justice Services (DCJS) is pleased to provide this award letter to your county for the State's aid to defense for discovery reform program from State Fiscal Year (SFY) 2023-2024 to support public defense services and expenses related to discovery reform implementation...

Please note that you will not receive a DCJS grant contract for this funding; rather, money will be automatically disbursed to your county in one payment to streamline processing and facilitate timely distribution of funds.

Consistent with the appropriation, this funding must be used to help offset the cost of public defense services related to discovery reform that your county incurred on or after the start of SFY 2023-24 (April 1, 2023).

[1] The award amount listed above is contingent upon the completion and submission (as applicable) of all contractual obligations as well as approval by the NYS Division of Budget and execution of the grant contract by the NYS Office of the State Comptroller.



<b>Grant Questions</b>	
<p><b>PRIMARY CONTACT</b>  <b>Katelyn Mallick</b>            Public Safety Grants Representative            NYS Division of Criminal Justice Services            Office of Program Development and Funding            Phone: 518 457-3776            Email: <a href="mailto:Katelyn.Mallick@dcjs.ny.gov">Katelyn.Mallick@dcjs.ny.gov</a></p>	<p><b>SECONDARY CONTACT</b>  <b>Rob Frost</b>            Public Safety Grants Representative            NYS Division of Criminal Justice Services            Office of Program Development and Funding            Phone: 518 485-2979            Email: <a href="mailto:Robert.Frost@dcjs.ny.gov">Robert.Frost@dcjs.ny.gov</a></p>

We look forward to working with you in our continued efforts to safeguard the health and safety of all New York's residents and visitors.



KATHY HOCHUL
Governor

ROSSANA ROSADO
Commissioner

CILLIAN FLAVIN
Deputy Commissioner

Grant Award Notice

Table with 2 columns and 5 rows containing grant details: Grantee/Contractor (Albany County), Date (June 14, 2024), Program Name (Aid to Defense - Supplemental), Award Amount (\$719,859), Signatory Name and Title (County Executive Daniel McCoy), Term Dates (4/1/23 to 3/31/25), Email (county\_executive@albanycountyny.gov)

This award can be used for any eligible expenses incurred before 3/31/25.

The Division of Criminal Justice Services (DCJS) is pleased to provide this award letter to your county for the State's supplemental aid to defense from State Fiscal Year (SFY) 2023-2024 to support public defense services and expenses incurred by government and not-for-profit entities.

Please note that you will not receive a DCJS grant contract for this funding; rather, money will be automatically disbursed to your county in one payment to streamline processing and facilitate timely distribution of funds. The county shall subsequently and promptly make this funding available to public defense service provider(s) that provide representation in criminal cases within 90 days of receipt.

Consistent with the appropriation, this funding must be used to help offset the cost of public defense services and expenses that your county incurred on or after the start of SFY 2023-24 (April 1, 2023). The above reference to the SFY 2023-2024 date of April 1, 2023 is included for State budgeting purposes only and is not intended to interfere with local budgetary planning, which typically operates on a different fiscal calendar.

[1] The award amount listed above is contingent upon the completion and submission (as applicable) of all contractual obligations as well as approval by the NYS Division of Budget and execution of the grant contract by the NYS Office of the State Comptroller.

<b>Grant Questions</b>	
<b>PRIMARY CONTACT</b> <b>Katelyn Mallick</b> Public Safety Grants Representative NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518 457-3776 Email: <a href="mailto:Katelyn.Mallick@dcjs.ny.gov">Katelyn.Mallick@dcjs.ny.gov</a>	<b>SECONDARY CONTACT</b> <b>Rob Frost</b> Public Safety Grants Representative NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518 485-2979 Email: <a href="mailto:Robert.Frost@dcjs.ny.gov">Robert.Frost@dcjs.ny.gov</a>

We look forward to working with you in our continued efforts to safeguard the health and safety of all New York's residents and visitors.



**HON. DANIEL P. MCCOY**  
ALBANY COUNTY EXECUTIVE

**COUNTY OF ALBANY**  
**OFFICE OF THE ALTERNATE PUBLIC DEFENDER**  
**112 STATE STREET, SUITE 720**  
**ALBANY, NEW YORK 12207**  
**(518) 447-5532 FAX: (518) 447-7416**  
[WWW.ALBANYCOUNTY.COM](http://WWW.ALBANYCOUNTY.COM)

**TINA K. SODHI, ESQ.**  
ALTERNATE PUBLIC DEFENDER

## **DCJS Funding Grants Justification**

### Aid to Defense - Supplemental

Recruitment and retention are vital to the growth and success of this Office. Recruitment allows us to identify talented individuals who will contribute to our team, and retention allows us to hold onto those individuals long-term. In recent years, the State has provided significant financial support to District Attorney's Offices and Assigned Counsel Panels to ensure that those offices can recruit and retain talented individuals, but failed to provide similar funding to institutional providers and increased the pay inequality between our offices. The State has now taken steps to remedy this failure and to eliminate pay inequality for our Office.

The supplemental funds provided by DCJS are aimed towards providing equitable pay to each attorney within our Office as well as to provide stipends to support staff whose workload has increased. If not, the pay inequality threatens the long-term viability of this Office, an office that saves the County millions of dollars a year. The difficulty in recruiting talent in the face of pay inequality is real – we had multiple openings that took over 6 months to fill. Our Office cannot recruit talented individuals when the District Attorney's Office and Assigned Counsel Panel's pay significantly more. Nor can we retain the talent we do have when other offices have much more to offer.

In short, we do equal work and should receive equal pay – the State has acknowledged this need by allocating these funds, just as they have done for the District Attorney's Office.

### Aid to Defense – Discovery

After discovery reform, District Attorney's Offices around the State, including in this County, clamored for funds to deal with the new discovery demands. And they received millions. Lost amid this clamoring, was the demands that discovery reform placed on defense attorneys, particularly institutional providers.

The sheer volume of discovery materials, especially electronic materials, created taxing burdens on attorneys to review the materials and properly advise clients in light of the materials. For example, our attorneys have an ethical and a legal duty to review all discovery materials, which consists of police reports, witness statements, Grand Jury transcripts, audio and video recordings,

photographs and materials from scientific laboratories. This comprehensive review demands substantial time and resources. The State now recognizes this need and has provided funding to ensure that our Office discharges its discovery obligation.

The District Attorney's Office has Bureau Chief's with less years of experience than the Alternate Public Defender or this entire office, yet their salaries are greater than the Alternate Public Defender. The funds provided by DCJS should be utilized to provide equitable pay to every attorney in the Alternate Public Defender's Office and to provide stipends to support staff who are also subjected to additional workload due to the extensive discovery.

Thank you for your consideration of this critical issue.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tina K. Sodhi', written over a horizontal line.

Tina K. Sodhi, Esq.  
Alternate Public Defender