AGENDA

LAW COMMITTEE

MARCH 11, 2019

CURRENT BUSINESS:

1. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2019

2. AMENDING RESOLUTION NO. 305-A FOR 2010 REGARDING THE FIRST RESPONDER APPRECIATION PROGRAM IN ALBANY COUNTY IN ORDER TO ESTABLISH THE COMMISSION AND CLARIFY APPOINTMENT OF ITS MEMBERSHIP

3. AUTHORIZING THE SETTLEMENT OF A LAWSUIT

4. LOCAL LAW NO. "U" FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A LEASE AGREEMENT OF PROPERTY OWNED BY ALBANY COUNTY WITH HUDSON VALLEY WIRELESS, SUBJECT TO THE APPROVAL OF THE ALBANY COUNTY LEGISLATURE
1
RESOLUTION NO. 74

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2019

Introduced: 2/11/19
By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "B" for 2019, "A Local Law of the County of Albany Providing Real Property Tax Exemptions for Non-Residential Real Property Converted to Mixed-Use Property Pursuant to New York Real Property Tax Law Section 485-a for Residential-Commercial Urban Exemptions" be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, March 26, 2019, 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 - 2/11/19
LOCAL LAW NO. “B” FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR NON-RESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY PURSUANT TO NEW YORK REAL PROPERTY TAX LAW SECTION 485-A

Introduced: 2/11/19
By Mr. A. Joyce:

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

Section 1. Legislative Intent and purpose.

A. By Section 485-a of the Real Property Tax Law, the New York State Legislature authorized towns, cities and villages to provide an exemption from certain taxes for developers and building owners to convert office space and properties, formerly housing warehouse, manufacturing and retail activities, to residential housing units and commercial mixed uses.

B. Section 485-a of the Real Property Tax Law further allows a county in which such towns, cities and villages are located may, by local law, exempt such properties from its taxation in the same manner and to the same extent as such towns, cities and villages have done.

C. The purpose of this local law is to exempt eligible properties from county property taxation and special ad valorem levies applied to conversions of Non-Residential Real Property to Mixed-Use Property in accordance with Section 485-a of the Real Property Tax Law.

Section 2. Definitions.

A. “Municipality” means any town, city or village.
B. “Applicant” means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.
C. “Commercial construction work” means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.
D. “Commercial purpose or use” means the buying, selling or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted in mixed-use property.
E. “Mixed-use property” means property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
F. "Person" means an individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

G. "Residential construction work" means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

Section 3. Exemption granted.

Upon the adoption of a local law by any municipality within Albany County, non-residential real property, upon conversion to mixed-use property, shall be exempt from taxation and special ad valorem levies pursuant to section 485-a of the New York Real Property Tax Law.

For a period of twelve years from the approval of an application with the municipality, the increase in assessed value of such property attributable to such conversion shall be exempt as provided below. Such exemption shall be computed with respect to the "exemption base." The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value. Such exemption shall be computed in accordance with the following:

<table>
<thead>
<tr>
<th>Year of exemption</th>
<th>Percentage of Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 through 8</td>
<td>100% of exemption base</td>
</tr>
<tr>
<td>9</td>
<td>80% of exemption base</td>
</tr>
<tr>
<td>10</td>
<td>60% of exemption base</td>
</tr>
<tr>
<td>11</td>
<td>40% of exemption base</td>
</tr>
<tr>
<td>12</td>
<td>20% of exemption base</td>
</tr>
</tbody>
</table>

Section 4. Exclusions from exemption

No such exemption shall be granted unless:

(a) Such conversion was commenced subsequent to the date on which the municipality's local law took effect; and

(b) The cost of such conversion exceeds the sum of ten thousand dollars ($10,000); and

(c) For the purposes of this section the term "conversion" shall not include ordinary maintenance and repairs; and

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real
property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

Section 5. Application

(a) Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the Commissioner of the New York State Department of Taxation & Finance. Such application shall be filed with the assessor of the municipality having the power to assess property for taxation on or before the appropriate taxable status date of such municipality.

(b) The twelve year period of exemption shall be calculated from the date the application was approved by the assessor of any municipality in Albany County, whether or not that date precedes the effective date of this local law, but in no event may this language be construed to allow for retroactive application of this exemption.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State and shall apply to assessment rolls for which an application has been filed with the appropriate assessor prior to the taxable status date of such municipality.

Referred to Law Committee - 2/11/19
RESOLUTION NO. 75

AMENDING RESOLUTION NO. 305-A FOR 2010 REGARDING THE FIRST RESPONDER APPRECIATION PROGRAM IN ALBANY COUNTY IN ORDER TO ESTABLISH THE COMMISSION AND CLARIFY APPOINTMENT OF ITS MEMBERSHIP

Introduced: 2/11/19
By Messrs. Comisso, Feeney, Miller, Cahill and Ms. Chapman:

WHEREAS, Through the adoption of Resolution 305-A for 2010, this Honorable Body recognized the invaluable services that emergency personnel and first responders including, but not limited to, police officers, fire-fighters, and emergency medical technicians (EMTS) provide to the citizenry of Albany County on a day-to-day basis, and

WHEREAS, In order to properly reflect the debt of gratitude that Albany County owes to these first responders, the Albany County Legislature established a twelve (12) member commission via the aforementioned resolution in order to develop a first responder appreciation program, and

WHEREAS, The commission envisioned by Resolution 305-A for 2010 was proposed to be made up of local attorneys, grant writers, municipal leaders, local police and fire chiefs and union representatives who understand the needs of first responders, and

WHEREAS, The commission was tasked with the goal of creating a first responder appreciation program whereby Albany County first responders may possibly receive discounts on goods and services at participating establishments and/or establishing a first responder eligibility or preference for educational or home buying grants, and

WHEREAS, To date, this Honorable Body has yet to appoint the membership of the commission, thereby preventing the establishment of an Albany County first responder appreciation program, and

WHEREAS, It has become apparent that the terms of Resolution 305-A for 2010 need to be clarified in order to allow this Honorable Body to effectively appoint the membership of the commission, now, therefore be it

RESOLVED, By the Albany County Legislature that Resolution 305-A is amended to indicate that the twelve (12) member commission shall be composed of members reflecting the groups initially contemplated, and each member shall be appointed by a majority vote of the Albany County Legislature, and, be it further
RESOLVED, The appointments to the commission shall be made at the recommendation of the Majority and Minority Leaders at a ratio which reflects the proportionate make-up of the Albany County Legislature, and, be it further

RESOLVED, That the commission shall serve until a first responder appreciation program is effectively developed and established, and, be it further

RESOLVED, That the commission shall be established, the extent practicable, within 6 months of the adoption of this resolution, and be it further

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

*Referred to Law Committee - 2/11/19*
RESOLUTION NO. 305-a

ESTABLISHING A COMMISSION TO DEVELOP A FIRST RESPONDER APPRECIATION PROGRAM IN ALBANY COUNTY

Introduced: 7/12/10
By Mr. Scavo, Law and Audit and Finance Committees, Ms. Connolly, Messrs. Domalewicz and Ethier:

WHEREAS, First responder is a term used to describe all emergency service personnel such as police officers and firefighters who are expected to respond to emergencies and large scale disasters, and

WHEREAS, This Honorable Body believes that Albany County owes a debt of gratitude to the heroic first responders of Albany County and that our appreciation should be shown in every way possible to thank these men and women who risk their lives to protect ours, and

WHEREAS, To honor the first responders in Albany County, this Honorable Body desires to establish a commission to develop an appreciation program whereby Albany County first responders may possibly receive discounts such as an agreed upon percentage off purchased goods and services at participating establishments and/or establishing a first responder eligibility or preference for educational or home buying grants, and

WHEREAS, The development of an appreciation program will require the help of individuals such as attorneys, grant writers, local municipal leaders, local police and fire chiefs and police and fire union representatives who have an understanding of the needs of the first responders and local businessmen who have expertise in business and understand the benefits that such a program would bring not only to the Albany County first responders, but to the businesses that would voluntarily participate, now, therefore be it

RESOLVED, By the Albany County Legislature that a twelve (12) member commission is hereby established, membership to include attorneys, grant writers, local municipal leaders, local police and fire chiefs and police and fire union representatives and local businessmen appointed by the Legislature, to develop an appreciation program that will entitle Albany County first responders to discounts at participating establishments and/or any other benefit the commission determines to be beneficial and legally permissible, and, be it further

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

Referred to Law Committee. 7/12/10
Referred to Audit and Finance Committee. 10/12/10

Those opposed: Ms. McKnight – 1.


Resolution was adopted. 11/8/10
January 7, 2019

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Joyce:

Enclosed is a completed Request for Legislative Action and supporting documentation relative to a request to settle pending litigation which I am requesting be placed on the agenda for the next Law Committee meeting. As a tentative agreement to settle this litigation has been reached, subject to approval of the Legislature, I am requesting that the details of this proposed settlement remain confidential. Further, I will be requesting that the Law Committee meet in Executive Session to discuss the allegations of this lawsuit and the proposed terms of settlement.

Sincerely,

Daniel C. Lynch
Albany County Attorney

cc:    Dennis A. Feeney, Majority Leader
       Frank A. Maursello, Minority Leader
       Kevin Cannizzaro, Majority Counsel
       Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Settlement Civil Matter

Date: 2/12/2019
Submitted By: Daniel Lynch
Department: Law
Title: County Attorney
Phone: 518-447-7048
Department Rep.: Daniel Lynch
Attending Meeting:

Purpose of Request:

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

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant
   Choose an item.
   Submission Date Deadline Click or tap to enter a date.
☒ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address): See Handout

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

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

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

CONCERNING ALL REQUESTS

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

Is there a Fiscal impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☒ No ☐

County Budget Accounts:
**File #: TMP-0579, Version: 1**

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<tbody>
<tr>
<td>Revenue Amount:</td>
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<table>
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<th>Appropriation Account and Line:</th>
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</thead>
<tbody>
<tr>
<td>Appropriation Amount:</td>
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**Source of Funding - (Percentages)**

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<tbody>
<tr>
<td>State:</td>
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<tr>
<td>County:</td>
<td>100% Click or tap here to enter text.</td>
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<tr>
<td>Local:</td>
<td>Click or tap here to enter text.</td>
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**Term**

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<tr>
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<tr>
<td>Length of Contract:</td>
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**Impact on Pending Litigation**

<table>
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<tr>
<th>Yes ☑ No ☐</th>
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<td>Yes ☑ No ☐</td>
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- **Litigation is pending in state court**

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

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<tr>
<th>Resolution/Law Number:</th>
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<td>Date of Adoption:</td>
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**Justification:** (state briefly why legislative action is requested)

To settle a confidential lawsuit
LOCAL LAW NO. "U" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A LEASE AGREEMENT OF PROPERTY OWNED BY ALBANY COUNTY WITH HUDSON VALLEY WIRELESS, SUBJECT TO THE APPROVAL OF THE ALBANY COUNTY LEGISLATURE

Introduced: 11/13/2018
By Mr. Smith:

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

SECTION 1. Sub-Lease Agreement

Notwithstanding Section 215 of the New York State County Law, the County Executive of Albany County is hereby authorized to enter into a sub-lease agreement with the Hudson Valley Wireless allowing for the placement of high-speed Broadband Internet equipment on real and personal property owned by Albany County, for an original term not to exceed twenty five (25) years, with three (3) successive five (5) year options to renew that will each be subject to the approval by the Albany County Legislature.

SECTION 2. Severability

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. Effective Date

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

Referred to Law and Public Works Committees – 11/13/18