AGENDA

ALBANY COUNTY LEGISLATURE

MARCH 11, 2019

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74. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “B” FOR 2019

By Mr. A. Joyce

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

By Messrs. Commisso, Feeney, Miller, Cahill and Ms. Chapman

CURRENT BUSINESS:

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By Public Works Committee
80. AUTHORIZING AN AGREEMENT WITH THE VILLAGE OF VOORHEESVILLE REGARDING MAINTENANCE OF A TRAIN VIEWING STATION

By Public Works Committee

81. AUTHORIZING THE PLANNING DEPARTMENT TO TAKE INITIAL REVIEW ACTIONS TO DETERMINE SEQR LEAD AGENCY STATUS REGARDING THE ALBANY COUNTY RAIL TRAIL BRIDGE OVER NEW SCOTLAND ROAD (SR85)

By Public Works Committee

82. AMENDING RESOLUTION NO. 455 FOR 2018 WITH MJ ENGINEERING REGARDING ADDITIONAL DESIGN AND INSPECTION SERVICES AND SEQR

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83. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CONVEYANCE OF A RIGHT-OF-WAY TO ALBANY COUNTY REGARDING A COMPLETED ROAD CONSTRUCTION PROJECT IN THE TOWN OF COLONIE

By Public Works Committee

84. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE CAPITAL DISTRICT TRANSPORATION COMMITTEE REGARDING THE PURCHASE OF REFLECTIVE WRISTBANDS

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85. AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING AND AN AGREEMENT WITH NEW YORK STATE OFFICE FOR THE AGING REGARDING THE MEDICARE IMPROVEMENT FOR PATIENTS AND PROVIDERS ACT GRANT TO ENHANCE THE HEALTH INSURANCE INFORMATION COUNSELING AND ASSISTANCE PROGRAM

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By Social Services Committee

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By Social Services Committee

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By Audit and Finance Committee

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By Audit and Finance Committee

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By Audit and Finance Committee

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By Audit and Finance Committee

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By Audit and Finance Committee

105. AUTHORIZING A CORRECTION OF THE TAX ROLLS FOR THE TOWN OF BERNE

By Audit and Finance Committee

106. AUTHORIZING A CORRECTION OF THE TAX ROLLS FOR THE TOWN OF WESTERLO
By Audit and Finance Committee

107. AUTHORIZING A CORRECTION OF THE TAX ROLLS FOR THE TOWN OF THE CITY OF ALBANY

By Audit and Finance Committee

108. AUTHORIZING A REFUND OF REAL PROPERTY TAXES FOR THE TOWN OF BERNE

By Audit and Finance Committee

109. AUTHORIZING AN AGREEMENT WITH ARAMARK REGARDING DINING SERVICES AT THE TIMES UNION CENTER

By Audit and Finance Committee

110. RENAMING THE ALBANY COUNTY NURSING HOME TO SHAKER PLACE REHABILITATION AND NURSING CENTER

By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf

111. AUTHORIZING AN AGREEMENT WITH THE COLLEGE OF SAINT ROSE REGARDING THE SUBMISSION OF A DEPARTMENT OF JUSTICE OFFICE OF VIOLENCE AGAINST WOMEN GRANT

By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf

112. AUTHORIZING AN AGREEMENT WITH THE CAPITAL DISTRICT WOMEN’S BAR ASSOCIATION LEGAL PROJECT, INC. REGARDING A CAMPUS LEGAL ASSISTANCE FOR VICTIMS GRANT

By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf

113. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING CRIME VICTIM AND WITNESS ASSISTANCE SERVICES
By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf

114. AUTHORIZING AN AGREEMENT WITH THE CITY OF ALBANY REGARDING POLICE ATTENDANCE AND EMERGENCY MEDICAL SERVICES AT THE CRIME VICTIM AND SEXUAL VIOLENCE CENTER'S TAKE BACK THE NIGHT RALLY

By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf

115. AUTHORIZING THE SETTLEMENT OF A LAWSUIT

By Law Committee

116. APPOINTMENT OF A COUNTY CORONER

By Messrs. A. Joyce and Feeney

117. APPOINTMENT OF MEMBER TO THE ALBANY COUNTY PLANNING BOARD

By Mr. Feeney

118. AMENDING THE 2019 ALBANY COUNTY BUDGET: CONTINGENT ACCOUNT ADJUSTMENTS

By Messrs. A. Joyce, Higgins, Fein, Simpson, Dawson, O'Brien, Ward and Burgdorf

119. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "C" FOR 2019

By Mr. Feeney

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By Ms. Cunningham

121. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2019

By Mr. Miller
122. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “O” FOR 2018

By Ms. Cunningham

123. A RESOLUTION TO ESTABLISH ALBANY COUNTY AS A POLLINATOR-FRIENDLY MUNICIPALITY

By Mr. Bullock, Mss. Lekakis, Cunningham, Messrs. Reinhardt and Touchette

LOCAL LAWS:

LOCAL LAW NO. “C” FOR 2019: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING AND UPDATING LOCAL LAW NO. 2 FOR 2011 REQUIRING ITEM PRICING BY RETAIL STORES IN THE COUNTY OF ALBANY

By Mr. Feeney

LOCAL LAW NO. “D” FOR 2019: A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS


LOCAL LAW NO. “E” FOR 2019: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, RESTRICTING THE SALE OF FLAVORED TOBACCO PRODUCTS

By Mr. Miller

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

By Mr. Smith
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
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. Commissio, 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. 79

AMENDING RESOLUTION 327 FOR 2017 REGARDING EMPIRE STATE DEVELOPMENT GRANT FUNDING AND REIMBURSEMENT

Introduced: 3/11/19
By Public Works Committee:

WHEREAS, By Resolution No. 327 for 2017, this Honorable Body authorized an agreement with Empire State Development (ESD) regarding the Times Union Center Ingress/Egress Project for the period January 1, 2016 to December 31, 2018, and

WHEREAS, Pursuant to the aforementioned agreement, the County of Albany was ultimately awarded grant funds in the amount of $162,000 through the 2016 Consolidated Funding Application process in order to address ongoing traffic issues at the Times Union Center, and

WHEREAS, The Commissioner of the Department of General Services has indicated that in order to receive reimbursement and close out the grant, Albany County must pay ESD a commitment fee of one percent of the capital grant in an amount not to exceed $1,620 and reimburse ESD in the amount of $648.50 for their out of pocket expense associated with the project, and

WHEREAS, The Commissioner has requested an amendment to the aforementioned agreement with ESD to facilitate the full acceptance of grant funding and reimbursement, now, therefore be it

RESOLVED, By the Albany County Legislature that Resolution No. 327 for 2017 regarding ESD grant funding is amended to authorize a payment to ESD of a commitment fee of one percent of the capital grant in an amount not to exceed $1,620 and reimburse ESD in the amount of $648.50 for their out of pocket expenses associated with the project to facilitate the full acceptance of grant funding and reimbursement, for the County of Albany and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 80

AUTHORIZING AN AGREEMENT WITH THE VILLAGE OF VOORHEESVILLE REGARDING MAINTENANCE OF A TRAIN VIEWING STATION

Introduced: 3/11/19
By Public Works Committee:

WHEREAS, By Resolution No. 503 for 2018, this Honorable Body authorized the County Executive to execute the necessary documents to accept the donation of a train viewing station at the Voorheesville end of the Albany County Rail Trail, and

WHEREAS, The Commissioner of the Department of Public Works has requested authorization to enter into an agreement with the Village of Voorheesville regarding maintenance of the aforementioned train viewing station, and

WHEREAS, The Commissioner has indicated that the train viewing station will be constructed by a third party at no cost to the County and will be located on South Main Street in the Village of Voorheesville, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the Village of Voorheesville regarding the maintenance of a train viewing station, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 81

AUTHORIZING THE PLANNING DEPARTMENT TO TAKE INITIAL REVIEW ACTIONS TO DETERMINE SEQR LEAD AGENCY STATUS REGARDING THE ALBANY COUNTY RAIL TRAIL BRIDGE OVER NEW SCOTLAND ROAD (SR85)

Introduced: 3/11/19
By Public Works Committee:

WHEREAS, The Commissioner of the Department of Public Works has indicated that the Albany County Department of Economic Development, Conservation and Planning ("Planning Department") has evaluated the Albany County Rail Trail Bridge over SR 85 (New Scotland Road) Bridge Replacement project pursuant to the State Environmental Quality Review (SEQR) guidelines and has determined that the project is properly classified as a Type I action under SEQR, and

WHEREAS, The Commissioner has further indicated that, given the Type I designation, the project is subject to the further SEQR requirements including taking initial steps so that a lead agency may be established prior to a determination of significance and the initial review processes may proceed, and

WHEREAS, Pursuant to the SEQR regulations, the Department of Public Works is required to give requisite notice to all relevant parties who may be interested in the Albany County Rail Trail Bridge over SR 85 (New Scotland Road) Bridge Replacement project prior to being designated as the lead agency for the project, and

WHEREAS, The Department of Public Works has requested authorization to work with the Planning Department to make certain that all appropriate steps related to the aforementioned notice requirements as they pertain to seeking lead agency status are fulfilled, and

WHEREAS, In the initial review of this proposal, the Planning Department needs to use due diligence to determine if the action involves more than one agency and transmit documentation to all the potential involved agencies to notify them that Albany County is seeking lead agency status, now, therefore be it

RESOLVED, By the Albany County Legislature that the Department of Public Works is authorized to work in conjunction with the Planning Department to take initial review actions pursuant to SEQR to seek lead agency status regarding the Albany County Rail Trail Bridge over SR 85 (New Scotland Road) Bridge Replacement project, including providing the required notice to all interested parties, and reporting back to the legislature regarding its findings, and, be it further
RESOLVED, During said review, the Planning Department is requested to submit a copy of all correspondence which it receives from any interested party to the Clerk of the Legislature, 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.
RESOLUTION NO. 82

AMENDING RESOLUTION NO. 455 FOR 2018 WITH MJ ENGINEERING REGARDING ADDITIONAL DESIGN AND INSPECTION SERVICES AND SEQR

Introduced: 3/11/19
By Public Works Committee:

WHEREAS, By Resolution No. 455 for 2018, this Honorable Body authorized an agreement with MJ Engineering and Land Surveying, Clifton Park, NY 12067 in an amount not to exceed $95,500 regarding design and construction inspection services for the Albany County Rail Trail over New Scotland Road (NYS 85) Bridge Replacement Project, and

WHEREAS, The Commissioner of the Department of Public Works has requested authorization to amend the aforementioned agreement to provide for additional design and inspection services in the amount of $24,000, and to fund the SEQR Type I process in the amount of $9,000 for a total agreement amount of $128,500, and

WHEREAS, The Commissioner has indicated that the amendments will authorize Supplemental Agreement #1 in the amount of $24,000 with MJ Engineering and Land Surveying, Clifton Park, NY 12067 to provide for additional design and inspection services related to the aforementioned project as well as Supplemental Agreement #2 in the amount of $9,000 with MJ Engineering and Land Surveying, Clifton Park, NY 12067 in order to properly progress the SEQR process for this project for terms commencing April 1, 2019 and ending April 1, 2020, now, therefore be it

RESOLVED, By the Albany County Legislature that Resolution No. 455 for 2018 is amended to provide for additional design and inspection services as indicated above in the amount of $24,000, and to fund the SEQR Type I process in the amount of $9,000 for a total amount of $128,500 rather than $95,500, and, be it further

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into supplemental agreements noted above with MJ Engineering and Land Surveying, Clifton Park, NY 12067 for terms commencing April 1, 2019 and ending April 1, 2020,

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further
RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 83

AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CONVEYANCE OF A RIGHT-OF-WAY TO ALBANY COUNTY REGARDING A COMPLETED ROAD CONSTRUCTION PROJECT IN THE TOWN OF COLONIE

Introduced: 3/11/19
By Public Works Committee:

WHEREAS, The Commissioner of the Department of Public Works has requested authorization to enter into an agreement with the New York State Department of Transportation (NYS DOT) in order to accept the conveyance of a right-of-way to Albany County which was previously acquired by New York State in connection with a federal-aid project located in the Town of Colonie that is now complete, and

WHEREAS, The Commissioner indicated that the NYS DOT administered a federal-aid project for Albany County and was responsible for negotiating and closing on all of the right-of-way acquisitions of property regarding the aforementioned project, now, therefore be it

RESOLVED, That the Albany County Legislature authorizes the County Executive to execute all necessary documentation necessary to effectuate the conveyance of said right-of-way, as indicated on the spreadsheets attached hereto, from NYS DOT to Albany County which were previously acquired in connection with a federal-aid project that is now complete in the Town of Colonie, and, be it further

RESOLVED, That the County Attorney is authorized to approve all necessary documents as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials, including seven certified copies to the County Engineer for distribution.
PIN 1753.09

CR 155 Everett Road (Exchange St. to Albany Shaker Rd.)

Town of Colonie

County of Albany

**ROW Acquired by State of New York to be conveyed to the County of Albany:**

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Maps & Parcels acquired as a permanent easement for drainage ditch:

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Parcels excluded from acquisition by Albany County & to be acquired by Town of Colonie directly from State of New York:

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STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAN

LOCATION MAP

(TAKINGS GO FROM EXCHANGE ST. TO ALBANY SHALER RD.)

LEGEND:

- Property Line
- Fence
- Top of Cut
- Tie of Fill

All orders are repeated:

- U.A. and Parcell Marker
- Permanent Easement
- Temporary Easement

PREPARED AND RECOMMENDED BY:
WILLIAM J. SYRJER, P.E.
N.J. LIC. NO. 16-04859
FOR W.J. ENGINEERS AND LAND SURVEYORS, P.C.

DATE: 10/25/02
REVISION: 1

RIGHT OF WAY PLAN

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
RESOLUTION NO. 84

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE CAPITAL DISTRICT TRANSPORTATION COMMITTEE REGARDING THE PURCHASE OF REFLECTIVE WRISTBANDS

Introduced: 3/11/19
By Public Works Committee:

WHEREAS, The Commissioner of the Department of Public Works has requested authorization to submit a grant application to the Capital District Transportation Committee (CDTC) for an amount of $5,000 regarding the purchase of reflective wristbands for pedestrians for the term commencing April 1, 2019 and ending December 31, 2019, and

WHEREAS, The Commissioner has indicated the grant funding will help to improve pedestrian safety throughout the County and requires a 25 percent match of labor or materials, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to the CDTC for an amount of $5,000 regarding the purchase of reflective wristbands for pedestrians for the term commencing April 1, 2019 and ending December 31, 2019, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 85

AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING AND AN AGREEMENT WITH NEW YORK STATE OFFICE FOR THE AGING REGARDING THE MEDICARE IMPROVEMENT FOR PATIENTS AND PROVIDERS ACT GRANT TO ENHANCE THE HEALTH INSURANCE INFORMATION COUNSELING AND ASSISTANCE PROGRAM

Introduced: 3/11/19
By Social Services Committee:

WHEREAS, The Commissioner has requested authorization to enter into an agreement with the New York State Office for the Aging (NYSOFA) regarding the MIPPA grant funding used to enhance the HIICAP, NY Connects, and other aging agencies in an amount not to exceed $18,830 for the term commencing September 30, 2018 and ending September 29, 2019, and

WHEREAS, The MIPPA program supports local Area Agencies on Aging, HIICAP providers, and NY Connects program providers in their efforts to educate and assist eligible Medicare beneficiaries with enrollment into the Medicare Low-Income Subsidy (LIS) program and the Medicare Savings Program (MSP), and

WHEREAS, In addition, the Commissioner has indicated the grant funding will be utilized to provide counseling and assistance to those beneficiaries who are low-income, underserved, and/or residing in rural areas with accessing the Medicare Prescription Drug Coverage Part D and to promote the availability of Medicare preventive and wellness services, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the NYSOFA regarding MIPPA grant funding to be used to enhance HIICAP, NY Connects, and other aging agencies in an amount not to exceed $18,830 for the term commencing September 30, 2018 and ending September 29, 2019, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 86

AUTHORIZING AN AGREEMENT BETWEEN ALBANY COUNTY AND THE TOWN OF BETHELEHEM REGARDING COORDINATED RECREATIONAL PROGRAMS FOR COUNTY RESIDENTS

Introduced: 3/11/19  
By Social Services Committee:

WHEREAS, The Commissioner of the Albany County Department of Recreation has requested authorization to enter into an agreement with the Town of Bethlehem Recreation Department regarding coordinated recreational programs for County residents for a term commencing February 28, 2019 and ending March 1, 2021, and

WHEREAS, The Bethlehem Recreation Department will provide the use of fields and buildings for the Albany County Department of Recreation to run free karate and flag football programs, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to execute an agreement with the Town of Bethlehem Recreation Department regarding coordinated recreational programs for County residents for a term commencing February 28, 2019 and ending March 1, 2021, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 87

AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH REGARDING REIMBURSEMENT FOR ADMINISTRATIVE COSTS PERTAINING TO THE EARLY INTERVENTION PROGRAM

Introduced: 3/11/19
By Social Services Committee:

WHEREAS, The Commissioner of the Department for Children, Youth and Families has requested authorization to enter into an agreement with NYS Department of Health (NYSDOH) regarding reimbursement for administrative costs related to the implementation of the Early Intervention Program in an amount not to exceed $114,851 for a term commencing October 1, 2018 and ending September 30, 2019, and

WHEREAS, The Commissioner has further indicated Albany County will have the ability to claim State reimbursement for administrative costs pertaining to the provision of Early Intervention services for children under the age of three with a confirmed disability or established developmental delay as defined by the state, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with NYSDOH regarding reimbursement for administrative costs related to the implementation of the Early Intervention Program in an amount not to exceed $114,851 for a term commencing October 1, 2018 and ending September 30, 2019, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate State and County Officials.
RESOLUTION NO. 88

AUTHORIZING AN AGREEMENT WITH THE CITY OF ALBANY POLICE DEPARTMENT REGARDING A PART-TIME LAW ENFORCEMENT COORDINATOR FOR THE CHILDREN’S ADVOCACY CENTER

Introduced: 3/11/19
By Social Services Committee:

WHEREAS, The Commissioner of the Department for Children, Youth and Families (DCYF) has requested authorization to enter into an agreement with the City of Albany Police Department regarding a part-time Law Enforcement Coordinator to be co-located at the DCYF Children’s Advocacy Center in the amount of $27,000 for the period commencing February 1, 2019 and ending January 31, 2020, and

WHEREAS, The Commissioner indicated that the part-time Law Enforcement Coordinator shall be a liaison between the DCYF, the Children’s Advocacy Center and the multiple law enforcement agencies in Albany County and those outside of Albany County that may also be investigating cross-district cases, including FBI and Homeland Security, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the City of Albany Police Department regarding a part-time Law Enforcement Coordinator to be co-located at the DCYF Children’s Advocacy Center in the amount of $27,000 for the period commencing February 1, 2019 and ending January 31, 2020, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 89

AUTHORIZING AN AGREEMENT WITH NMS LABS REGARDING FORENSIC TOXICOLOGY LABORATORY SERVICES

Introduced: 3/11/19
By Health Committee:

WHEREAS, The Albany County Coroner has indicated that Albany Medical Center is no longer providing forensic toxicology services to Albany County, and therefore has requested authorization to enter into an agreement with National Medical Services ("NMS"), Willow Grove, Pennsylvania 19090 for the provision of the aforementioned services in an amount not to exceed $10,000 for a term commencing January 1, 2019 and ending December 31, 2019, and

WHEREAS, The Coroner has further indicated that the forensic toxicology services provided by NMS are crucial to allowing the office to perform necessary evaluations pertaining to determining the cause of death for individuals in Albany County, and

WHEREAS, The Coroner’s Office, through the County Purchasing Agent, issued a request for bids and only one (1) bid was received pertaining to the contract, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with National Medical Services ("NMS"), Willow Grove, Pennsylvania 19090 for the provision of the aforementioned services in an amount not to exceed $10,000 for a term commencing January 1, 2019 and ending December 31, 2019, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 90

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES REGARDING THE OPIOID RESPONSE GRANT

Introduced: 3/11/19
By Health Committee:

WHEREAS, The Director of the Department of Mental Health has been notified by the NYS Office of Alcoholism and Substance Abuse Services that funds are available for a Opioid Response Grant, and

WHEREAS, The Director has indicated that the grant funding will support access to resources for individuals with opioid addictions in rural communities, and

WHEREAS, The Director has requested authorization to submit an application to the NYS Office of Alcoholism and Substance Abuse Services regarding an Opioid Response Grant in an amount up to $150,000, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application for funding to the NYS Office of Alcoholism and Substance Abuse Services regarding an Opioid Response Grant in an amount up to $150,000, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 91

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO BLUESHIELD OF NORTHEASTERN NEW YORK REGARDING GRANT FUNDING RELATED TO INCREASING THE AVAILABILITY OF DIABETES AWARENESS PROGRAMS IN ALBANY COUNTY

Introduced: 3/11/19
By Health Committee:

WHEREAS, The Commissioner of the Albany County Department of Health has been notified by Blueshield of Northeastern New York that funding is available for the National Diabetes Prevention Program, and

WHEREAS, The Commissioner has indicated that the grant funding will used to coordinate six National Diabetes Prevention Programs, increasing prediabetes awareness among community providers, promoting prediabetes screening, testing and referrals, and

WHEREAS, The Commissioner has requested authorization to submit a application to Blueshield of Northeastern New York in an amount up to $150,000, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application with Blueshield of Northeastern New York regarding grant funding related to increasing the availability diabetes awareness programs in the county in an amount up to $150,000, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 92

AMENDING RESOLUTION NO. 194 FOR 2015 REGARDING AN EASEMENT AND LEASE AGREEMENT FOR A RADIO TOWER ON PROPERTY LOCATED AT 28 JANSEN LANE IN THE TOWN OF BERNE

Introduced: 3/11/19
By Public Safety Committee:

WHEREAS, By Resolution No. 194 for 2015, this Honorable Body authorized a twenty-five year agreement with Mr. Jody Jansen for an easement and lease of property for the construction of a radio tower at 28 Jansen Lane in the Town of Berne for use by the Sheriff’s Office 911 Dispatch Center, and

WHEREAS, The Albany County Sheriff and Mr. Jody Jensen have requested an amendment to the said agreement, and

WHEREAS, The Albany County Sheriff has indicated that the proposed amended easement and ground lease agreement shall be at an annual rent of $13,000.00 payable in equal monthly installments of $1,083.33 with an annual 3% escalator increase over the term of the agreement for an initial term of five years, followed by four five-year renewals subject to the authorization of the Albany County Legislature in compliance with Section 215 of the County Law, and

WHEREAS, The aforementioned amendment shall be retroactive to the date of execution of the original easement and ground lease agreement authorized by Resolution No. 194 for 2015, now, therefore be it

RESOLVED, By the Albany County Legislature that Resolution No. 194 for 2015 is amended to reflect an annual rent of $13,000.00 payable in equal monthly installments of $1,083.33 with an annual 3% escalator increase over the term of the agreement, which will consist of an initial term of five years, followed by four five-year renewals subject to the authorization of the Albany County Legislature in compliance with Section 215 of the County Law, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 93

ADOPTING THE 2019 REVISION OF THE ALBANY COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Introduced: 3/11/19
By Public Safety Committee:

WHEREAS, By Resolution No. 379 for 1999, this Honorable Body approved the Albany County Comprehensive Emergency Management Plan, and

WHEREAS, The Albany County Sheriff's Department has submitted a revised and updated County Comprehensive Emergency Management Plan which is thorough and complete in scope, and

WHEREAS, Adoption of the revised Comprehensive Emergency Management Plan will serve as the backbone of Albany County's effort to educate and protect citizens in the event of an emergency, now, therefore be it

RESOLVED, By the Albany County Legislature that the Albany County Comprehensive Emergency Management Plan submitted by the Albany County Sheriff's Department and filed with the Clerk of the Legislature is approved and adopted, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 94

AUTHORIZING AN AGREEMENT BETWEEN THE SHERIFF’S OFFICE AND THE CAPITAL DISTRICT WOMEN’S BAR ASSOCIATION LEGAL PROJECT, INC. REGARDING LEGAL SERVICES FOR THE IMMIGRANT POPULATION RESIDING IN ALBANY COUNTY AND AT THE CORRECTIONAL FACILITY

Introduced: 3/11/19
By Public Safety Committee:

WHEREAS, The Albany County Sheriff has requested authorization to enter into a one-year agreement with the Capital District Women’s Bar Association Legal Project, Inc. regarding legal and support services for the immigrant population residing in Albany County and at the Albany County Correctional Facility in an amount not to exceed $170,000 for a term commencing January 1, 2019 and ending December 31, 2019, and

WHEREAS, The Sheriff’s Office, through the County Purchasing Agent, issued a request for bids regarding the provision of legal and support services for the immigrant population residing in Albany County and at the Albany County Correctional Facility and one bid was received, and

WHEREAS, The Sheriff’s Office reviewed said bid and recommended awarding the contract to the Capital District Women’s Bar Association Legal Project, Inc. as the sole bidder, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a one-year agreement with the Capital District Women’s Bar Association Legal Project, Inc., Albany, NY 12205 regarding legal and support services for the immigrant population residing in Albany County and at the Albany County Correctional Facility in an amount not to exceed $170,000 for a term commencing January 1, 2019 and ending December 31, 2019, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 95

ADOPTING AN AMENDMENT TO THE ALBANY COUNTY CAPITAL PROGRAM FOR 2019-2023 – ALBANY COUNTY NURSING HOME

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, By Resolution No. 423 for 2018, this Honorable Body adopted the Albany County Capital Program for 2019-2023, and

WHEREAS, An amendment to the 2019-2023 Capital Program is necessary to address upgrades to the Albany County Nursing Home including additional design, construction and reconstruction of the Shaker Wing in order to accommodate a E-911 dispatch center, totaling $9 million that will be funded in 2019-2023, all of which will be bonded, and

WHEREAS, Pursuant to Section 609 of the Albany County Charter, the Albany County Legislature published a summary of the amended Capital Program for the County and held the required public hearing as published, now, therefore be it

RESOLVED, By the Albany County Legislature that the amendment to the Capital Program for 2019-2023 as set forth above is hereby adopted, 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.
RESOLUTION NO. 96

DETERMINATION THAT THE PROPOSED CONSTRUCTION AT THE ALBANY COUNTY NURSING HOME WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, The Albany County Sheriff's Office is seeking to relocate the current E-911 Communications Center Emergency Management Office for Albany County in order to better accommodate the needs of the County, and

WHEREAS, The Sheriff's Office has proposed to undertake renovations to the Albany County Nursing Home Shaker Wing at 780 Albany Shaker Road, Albany, as well as new construction on the premises to accommodate the E-911 Communications Center Emergency Management Office project, and

WHEREAS, The proposed action is subject to the requirements of State Environmental Quality Review (SEQR) pursuant to 6 NYCRR 617, and

WHEREAS, The Albany County Department of Economic Development, Conservation and Planning, acting on behalf of the Albany County Legislature has reviewed the proposed action and has complied with all applicable administrative and procedural requirements on behalf of the County, now, therefore be it

RESOLVED, That the Albany County Legislature has considered the findings of the Department of Economic Development, Conservation and Planning and has determined that the proposed action is an unlisted action and will not have a significant impact on the environment, 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.
RESOLUTION NO. 97

BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING THE UNDERTAKING OF A CAPITAL PROJECT FOR THE EMERGENCY 911 COMMUNICATIONS CENTER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $8,000,000, APPROPRIATING SAID AMOUNT THEREFORE, AND AUTHORIZING THE ISSUANCE OF $8,000,000 OF SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION

Introduced: 3/11/19
By Audit and Finance Committee:

THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The County of Albany, New York (the “County”) is hereby authorized to undertake a capital project at the Albany County Nursing Home consisting of the design, demolition, renovation, construction modifications, relocation, and installation of existing communications equipment as well as the purchase of additional communications equipment, including any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes, together with the preparation of planning, engineering and feasibility studies and review, as further described in the 2019 Capital Plan in the County’s 2019-2023 Capital Program, as amended and supplemented (hereinafter referred to as the “Capital Program”). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof (including the costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed $8,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of an amount not to exceed $8,000,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the cost thereof, but in no event in excess of $8,000,000 to pay the costs of the capital project.

The period of probable usefulness of the specific object or purpose herein authorized and for which $8,000,000 of said serial bonds are herein authorized to be issued, within the limitations of Section 11.00(a)(12)(a)(1) of the New York Local Finance Law (the “Law”), is twenty-five (25) years.

Section 2. Serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in the aggregate principal amount not to exceed $8,000,000 to finance said appropriation are hereby authorized to be issued pursuant to the provisions of the Law.
Section 3. The following additional matters are hereby determined and stated:
(a) The facility described above is a class “A” building, as defined in Section 11.00(a)(11)(a) of the Law.
(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the serial bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 of the Law.
(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. The serial bonds authorized by this resolution and any notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation of rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00 and Section 164.00 of the Law, the powers and duties of the County Legislature pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The County Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.
Section 7. The County Comptroller is further authorized to enter into a continuing disclosure undertaking with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 8. By separate resolution, the County has complied with the provisions of the State Environmental Quality Review Act ("SEQRA") with respect to the capital project described in this resolution by issuing a negative declaration determining that the capital project described in this resolution will not have a significant effect on the environment.

Section 9. The County may initially use funds from the General Fund or such other funds that may be available to pay the cost of the specific objects or purposes authorized by this resolution, pursuant to Section 165.10 of the Law. The County then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 10. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) (1) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(2) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(b) such obligations are authorized in violation of the provisions of the constitution.

Section 11. This bond resolution shall take effect immediately and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the newspaper(s) designated as the official newspaper(s) of the County for such publication.
RESOLUTION NO. 98

AMENDING RESOLUTION 99 FOR 2016, AS AMENDED, REGARDING AN AGREEMENT WITH ANGERAME ARCHITECTS, P.C. FOR ARCHITECTURAL AND ENGINEERING SERVICES AT THE ALBANY COUNTY NURSING HOME

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, By Resolution No. 99 for 2016, as amended by Resolution Nos. 400 and 572 for 2016 and 167 for 2018, this Honorable Body authorized an agreement with Angerame Architects, P.C. regarding architectural services at the Albany County Nursing Home, and

WHEREAS, Pursuant to RFP 2016-014, Phase III of the project includes construction services such as creation of working construction drawings, coordination with the Construction Manager to comply with all relevant state statutes and produce subcontractor RFP and Certificate of Need documents as required, and

WHEREAS, The Albany County Sheriff's Office has indicated their intent to relocate their Emergency 911 dispatch services to the Shaker Wing of the Albany County Nursing Home, and

WHEREAS, In order to accommodate the needs of the dispatch services, additional design and planning services at the Shaker Wing are needed, along with construction of a “Call Center” attached thereto, at a cost not to exceed $835,000, and

WHEREAS, The Sheriff Office has requested an amendment to the agreement in order to provide architectural design services at the Nursing Home including all such drawings and designs necessary to incorporate the E-911 dispatch services in the Shaker Wing, as well as designs and planning for new construction at the “Call Center”, and reflect a total amount not to exceed $5,780,000 rather than $4,945,000, now, therefore, be it

RESOLVED, By the Albany County Legislature that Resolution No. 167 for 2018 is hereby amended as indicated above, and to reflect a total amount not to exceed $5,780,000 rather than $4,945,000, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 99

AMENDING RESOLUTION NO. 442 FOR 2016, AS AMENDED, WITH GILBANE BUILDING COMPANY REGARDING CONSTRUCTION AT THE ALBANY COUNTY NURSING HOME

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, By Resolution No. 442 for 2016, this Honorable Body authorized an agreement with the Gilbane Building Company in an amount not to exceed $1,537,104 regarding construction management services for various projects at the Albany County Nursing Home, and

WHEREAS, By Resolution No. 166 for 2018, this Honorable Body authorized an amendment to the agreement with the Gilbane Building Company at the request of the Executive Director of the Albany County Residential Health Care Facilities to reflect a new total amount not to exceed $2,373,104, and

WHEREAS, The Executive Director of the Albany County Residential Health Care Facilities and Albany County Sheriff have requested authorization to amend the aforementioned agreement in order to allow the Sheriff's Office to utilize the services of the Gilbane Building Company in relation to its capital project which includes renovation of the Shaker Wing located at the Albany County Nursing Home for the purposes of constructing a 911 Call Center, at a cost not to exceed $333,778, and

WHEREAS, The Executive Director and Sheriff's Office have requested that the agreement reflect a total amount not to exceed $2,706,882 rather than $2,373,104, now, therefore, be it

RESOLVED, By the Albany County Legislature that Resolution No. 442 for 2016 is hereby amended to reflect the incorporation of construction management services for the Albany County Sheriff’s 911 Call Center project located at the Shaker Wing of the Albany County Nursing Home at a cost not to exceed $333,778, and it is further amended to reflect a total overall agreement not to exceed $2,706,882 rather than $2,373,104, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 100

ADOPTING AN AMENDMENT TO THE ALBANY COUNTY CAPITAL PROGRAM FOR 2019-2023 - REGIONAL ANAEROBIC DIGESTER FACILITY

Introduction: 3/11/19
By Audit and Finance Committee:

WHEREAS, By Resolution No. 423 for 2018, this Honorable Body adopted the Albany County Capital Program for 2019-2023, and

WHEREAS, An amendment to the 2019-2023 Capital Program is necessary to address updates to the Regional Anaerobic Digester Facility, indicating that the facility will be located at the Albany County Water Purification District North Plant, with related improvements at the South Plant, totaling $24 million that will be funded in 2019-2023, all of which will be bonded, and

WHEREAS, Pursuant to Section 609 of the Albany County Charter, the Albany County Legislature published a summary of the amended Capital Program for the County and held the required public hearing as published, now, therefore be it

RESOLVED, By the Albany County Legislature that the amendment to the Capital Program for 2019-2023 as set forth above is hereby adopted, 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.
RESOLUTION NO. 101

ADOPTING AN AMENDMENT TO THE ALBANY COUNTY CAPITAL PROGRAM FOR 2019-2023 - UPGRADES AT THE TIMES UNION CENTER GARAGE

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, By Resolution No. 423 for 2018, this Honorable Body adopted the Albany County Capital Program for 2019-2023, and

WHEREAS, An amendment to the 2019-2023 Capital Program is necessary to address upgrades to the parking garage at the Times Union Center, including, concrete and structural maintenance and repairs, totaling $4.375 million that will be funded in 2019-2023, all of which will be bonded, and

WHEREAS, Pursuant to Section 609 of the Albany County Charter, the Albany County Legislature published a summary of the amended Capital Program for the County and held the required public hearing as published, now, therefore be it

RESOLVED, By the Albany County Legislature that the amendment to the Capital Program for 2019-2023 as set forth above is hereby adopted, 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.
RESOLUTION NO. 102

DECLARING ALBANY COUNTY LEAD AGENCY FOR THE PURPOSE OF STATE ENVIRONMENTAL QUALITY REVIEW FOR THE WATER PURIFICATION DISTRICT REGIONAL ANAEROBIC DIGESTION FACILITY

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, By Resolution Nos. 257 for 2017 and 145 for 2018, this Honorable Body entered into agreements with Saratoga County and Arcadis of New York, Inc. regarding engineering and consulting services for and design, construction operation and maintenance of a regional biosolids handling facility in Albany County, and

WHEREAS, Under Part 617 of Title 6 of the New York Code of Rules and Regulations, the State Environmental Quality Review Act ("SEQRA"), it is necessary for a lead agency to be established for the review of the Project and for the action to be classified as Type I, Type II or unlisted, and

WHEREAS, By Resolution No. 625 for 2018, this Honorable Body authorized the Albany County Department for Economic Development, Conservation and Planning to take the initial actions necessary to determine lead agency status under SEQR requirements, and

WHEREAS, Due to the proposed actions to be taken, this is considered a Type I action pursuant to SEQRA and requires that a Lead Agency be designated, and

WHEREAS, Albany County, as the municipal government in which the Project shall be located, and undertaking the Project for the benefit of the health, safety and welfare of Albany County residents, is the suitable agency for undertaking, funding and approving the project, now, therefore be it

RESOLVED, By the Albany County Legislature that Albany County hereby declares itself Lead Agency for the environmental review of the Project pursuant to SEQRA, and, be it further

RESOLVED, That Albany County, as the Lead Agency pursuant to SEQRA, has classified the above action for the Project as a Type I action pursuant to SEQRA §617, and, be it further

RESOLVED, That the Chair of the Legislature is hereby authorized and directed to sign and file any documents that may be necessary to comply with SEQRA regarding the Project, 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.
RESOLUTION NO. 103

AUTHORIZING CORRECTIONS OF THE TAX ROLLS FOR THE TOWN OF BETHLEHEM

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, This Legislative Body has received 2 applications from the Director of the Real Property Tax Service Agency for a correction of real property taxes, and

WHEREAS, This applications have been investigated by the Director who recommends to this Honorable Body that the Tax Rolls involved be corrected, now, therefore be it

RESOLVED, By the Albany County Legislature that the listed Tax Rolls for the Town of Bethlehem be corrected with respect to the following parcels of real property:

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>CITY OR TOWN</th>
<th>DESCRIPTION OF REAL PROPERTY AS SHOWN ON TAX ROLL OR BILL</th>
<th>REASON FOR CORRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laurie Lambersen</td>
<td>Town of Bethlehem</td>
<td>199 Elm Ave, Tax Map #96.00-2-6, 2019 Collection</td>
<td>Clerical Error</td>
</tr>
<tr>
<td>Assessor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laurie Lambersen</td>
<td>Town of Bethlehem</td>
<td>5 Amsterdam Ave, Tax Map #109.14-6-9, 2019 Collection</td>
<td>Clerical Error</td>
</tr>
<tr>
<td>Assessor</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

and, be it further

RESOLVED, Said corrections shall be in accordance with Form RP-554 as submitted with favorable recommendation by the Director in accordance with the provisions of the New York State Real Property Tax Law, 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.
RESOLUTION NO. 104

AUTHORIZING A CORRECTION OF THE TAX ROLLS FOR THE TOWN OF GUILDERLAND

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, This Legislative Body has received 1 application from the Director of the Real Property Tax Service Agency for a correction of real property taxes, and

WHEREAS, This applications have been investigated by the Director who recommends to this Honorable Body that the Tax Roll involved be corrected, now, therefore be it

RESOLVED, By the Albany County Legislature that the listed Tax Roll for the Town of Guilderland be corrected with respect to the following parcels of real property:

<table>
<thead>
<tr>
<th>CITY OR TOWN</th>
<th>DESCRIPTION OF REAL PROPERTY AS SHOWN ON TAX ROLL OR BILL</th>
<th>REASON FOR CORRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Guilderland</td>
<td>94 Frenchs Mill Road</td>
<td>Unlawful</td>
</tr>
<tr>
<td></td>
<td>Tax Map #39.00-2-66.4</td>
<td>Entry</td>
</tr>
<tr>
<td></td>
<td>2019 Collection</td>
<td></td>
</tr>
</tbody>
</table>

and, be it further

RESOLVED, Said correction shall be in accordance with Form RP-554 as submitted with favorable recommendation by the Director in accordance with the provisions of the New York State Real Property Tax Law, 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.
RESOLUTION NO. 105

AUTHORIZING A CORRECTION OF THE TAX ROLLS FOR THE TOWN OF BERNE

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, This Legislative Body has received 1 application from the Director of the Real Property Tax Service Agency for a correction of real property taxes, and

WHEREAS, This applications have been investigated by the Director who recommends to this Honorable Body that the Tax Roll involved be corrected, now, therefore be it

RESOLVED, By the Albany County Legislature that the listed Tax Roll for the Town of Guilderland be corrected with respect to the following parcels of real property:

<table>
<thead>
<tr>
<th>CITY OR TOWN</th>
<th>DESCRIPTION OF REAL PROPERTY AS SHOWN ON TAX ROLL OR BILL</th>
<th>REASON FOR CORRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Berne</td>
<td>157 Woodstock Road, Tax Map #115-1-15, 2019 Collection</td>
<td>Clerical Error</td>
</tr>
</tbody>
</table>

and, be it further

RESOLVED, Said correction shall be in accordance with Form RP-554 as submitted with favorable recommendation by the Director in accordance with the provisions of the New York State Real Property Tax Law, 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.
RESOLUTION NO. 106

AUTHORIZING A CORRECTION OF THE TAX ROLLS FOR THE TOWN OF WESTERLO

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, This Legislative Body has received 1 application from the Director of the Real Property Tax Service Agency for a correction of real property taxes, and

WHEREAS, This applications have been investigated by the Director who recommends to this Honorable Body that the Tax Roll involved be corrected, now, therefore be it

RESOLVED, By the Albany County Legislature that the listed Tax Roll for the Town of Westerlo be corrected with respect to the following parcels of real property:

<table>
<thead>
<tr>
<th>CITY OR TOWN</th>
<th>DESCRIPTION OF REAL PROPERTY AS SHOWN ON TAX ROLL OR BILL</th>
<th>REASON FOR CORRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Westerlo</td>
<td>265 St. Route 143, Tax Map #139.-2-22, 2019 Collection</td>
<td>Clerical Error</td>
</tr>
</tbody>
</table>

and, be it further

RESOLVED, Said correction shall be in accordance with Form RP-554 as submitted with favorable recommendation by the Director in accordance with the provisions of the New York State Real Property Tax Law, 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.
RESOLUTION NO. 107

AUTHORIZING A CORRECTION OF THE TAX ROLLS FOR THE CITY OF ALBANY

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, This Legislative Body has received 1 application from the Director of the Real Property Tax Service Agency for a correction of real property taxes, and

WHEREAS, This applications have been investigated by the Director who recommends to this Honorable Body that the Tax Roll involved be corrected, now, therefore be it

RESOLVED, By the Albany County Legislature that the listed Tax Roll for the City of Albany be corrected with respect to the following parcels of real property:

<table>
<thead>
<tr>
<th>CITY OR TOWN</th>
<th>DESCRIPTION OF REAL PROPERTY AS SHOWN ON TAX ROLL OR BILL</th>
<th>REASON FOR CORRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trey Kingston</td>
<td>City of Albany</td>
<td>Clerical Error</td>
</tr>
<tr>
<td>Assessor</td>
<td>36 Marsdale St.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tax Map #64.79-2.44</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2019 Collection</td>
<td></td>
</tr>
</tbody>
</table>

and, be it further

RESOLVED, Said correction shall be in accordance with Form RP-554 as submitted with favorable recommendation by the Director in accordance with the provisions of the New York State Real Property Tax Law, 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.
RESOLUTION NO. 108

AUTHORIZING THE REFUND OF REAL PROPERTY TAXES FOR THE TOWN OF BERNE

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, This Legislative Body has received 1 application from the Director of the Real Property Tax Service Agency for refunds of real property taxes, and

WHEREAS, These applications have been investigated by the Director who recommends to this Honorable Body that the Tax Rolls involved be corrected, and refunds be made due to unlawful entries made pursuant to RPTL 556, now, therefore be it

RESOLVED, By the Albany County Legislature that the listed Tax Roll for the Town of Berne be corrected and refunds be made with respect to the following parcel of real property:

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>DESCRIPTION OF REAL PROPERTY AS SHOWN ON TAX ROLL OR BILL</th>
<th>AMOUNTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian Crawford Assessor</td>
<td>90 Dyer Road Tax Map #80.-14-1-20 2019 Collection</td>
<td>$170.49</td>
</tr>
</tbody>
</table>

and, be it further

RESOLVED, Said corrections shall be in accordance with Form RP-556 as submitted with favorable recommendations by the Director in accordance with the provisions of the New York State Real Property Tax Law, 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.
RESOLUTION NO. 109

AUTHORIZING AN AGREEMENT WITH ARAMARK REGARDING DINING SERVICES AT THE TIMES UNION CENTER

Introduced: 3/11/19
By Audit and Finance Committee:

WHEREAS, The General Manager of the Times Union Center and the County Executive’s Office have indicated that the retail space located at the Times Union Center which was previously occupied by Johnny Rockets has recently become vacant after the previous owner voluntarily surrendered the premises to the County of Albany, and

WHEREAS, The General Manager of the Times Union Center and the County Executive’s Office have requested authorization to enter into a month-to-month agreement with Aramark Sports and Entertainment Services, LLC (“Aramark”) to permit the company to re-open the restaurant and bar area previously occupied by Johnny Rockets beginning March 1, 2019 in order to serve food and beverages to the patrons who will be coming to the Time Union Center for various events during the month, and

WHEREAS, The County Executive has further requested authorization to permit the County Attorney to submit a letter of intent regarding the aforementioned agreement in order to facilitate the issuance of a temporary operating license by the New York State Liquor Authority, and

WHEREAS, The General Manager of the Times Union Center has indicated that the County of Albany will be entitled to 25% of all food sales and 30% of all beverage sales pursuant to the terms of the aforementioned agreement, and

WHEREAS, The County of Albany stands to make significant profits from the aforementioned agreement with Aramark, now, therefore, be it

RESOLVED, By the Albany County Legislature that County Executive is authorized enter into a month-to-month agreement with Aramark regarding dining services at the Times Union Center beginning March 1, 2019 in which the County of Albany is entitled to 25% of all food sales and 30% of all beverage sales related the restaurant and bar area at the Times Union Center, and, be it further

RESOLVED, By the Albany County Legislature that the County Attorney is hereby authorized to submit a letter of intent to Aramark on behalf of the County of Albany in order to assist in facilitating a temporary operating license from the New York State Liquor Authority, and, be it further
RESOLVED, That the County Attorney is authorized to approve said agreement and letter of intent as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 110

RENNAMING THE ALBANY COUNTY NURSING HOME TO SHAKER PLACE REHABILITATION AND NURSING CENTER

Introduced: 3/11/19
By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf:

WHEREAS, The Executive Director of the Albany County Department of Residential Health Care Facilities has requested authorization to change the name of the Albany County Nursing Home to “Shaker Place Rehabilitation and Nursing Center,” and

WHEREAS, The Executive Director has indicated that renaming the facility, in addition to completing ongoing construction and renovation projects, will help change the facility’s image in the community, and

WHEREAS, The media company retained by the Department of Residential Health Care Facilities will work with the Department to inform the public of the name change once it has been approved by the New York State Department of Health, now, therefore be it

RESOLVED, By the Albany County Legislature that the Albany County Nursing Home shall be known as “Shaker Place Rehabilitation and Nursing Center” subject to the approval of the New York State Department of Health, and, be it further

RESOLVED, That the Clerk of the County Legislature is hereby directed to forward certified copies of this resolution to the appropriate State and County Officials.
RESOLUTION NO. 111

AUTHORIZING AN AGREEMENT WITH THE COLLEGE OF SAINT ROSE REGARDING THE SUBMISSION OF A DEPARTMENT OF JUSTICE OFFICE ON VIOLENCE AGAINST WOMEN GRANT

Introduced: 3/11/19
By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf:

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to enter into an agreement with the College of Saint Rose to allow the college, along with other local institutions of higher education, to pursue a three-year grant from the U.S. Department of Justice Office on Violence Against Women to design and implement a multi-disciplinary, coordinated community response to violence against women for the term commencing October 1, 2019 and ending September 30, 2022, and

WHEREAS, The Director indicated the agreement would allow the College of Saint Rose to apply for the grant as part of a consortium with other local institutions of higher education and the Center, and

WHEREAS, The Director further indicated that the agreement outlines the specific relationships among the parties and that the Center would not receive funding from the grant but would benefit from a continuing relationship, educational opportunities and community partnership with the schools, while the schools would benefit from training and improved communication and information dissemination to improve victim services and work toward prevention, now, therefore be it

RESOLVED, By the Albany County Legislature that all necessary parties representing Albany County are authorized to enter into an agreement between the Crime Victim and Sexual Violence Center and the College of Saint Rose to allow the college, along with other local institutions of higher education, to pursue a three-year grant from the U.S. Department of Justice Office on Violence Against Women to design and implement a multi-disciplinary, coordinated community response to violence against women for the term commencing October 1, 2019 and ending September 30, 2022, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 112

AUTHORIZING AN AGREEMENT WITH THE CAPITAL DISTRICT WOMEN'S BAR ASSOCIATION LEGAL PROJECT, INC. REGARDING A CAMPUS LEGAL ASSISTANCE FOR VICTIMS GRANT

Introduced: 3/11/19
By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf:

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to enter into an agreement with the Capital District Women's Bar Association Legal Project, Inc. (The Legal Project) to allow The Legal Project, along with other local partners, to pursue a three-year grant from the U.S. Department of Justice Office on Violence Against Women to provide legal assistance for victims of sexual assault, domestic violence, dating violence, and stalking for the term commencing October 1, 2019 and ending September 30, 2022, and

WHEREAS, The Director indicated the agreement would allow The Legal Project to apply for the grant as part of a consortium with other local partners, and

WHEREAS, The Director further indicated that the agreement outlines the specific relationships among the parties and that the Center would not receive funding from the grant but would benefit from a continuing relationship, educational opportunities and community partnership with the local partners, while the local partners would benefit from training and improved communication and information dissemination to improve victim services and work toward prevention, now, therefore be it

RESOLVED, By the Albany County Legislature that all necessary parties representing Albany County are authorized to enter into an agreement between the Crime Victim and Sexual Violence Center and The Legal Project to allow The Legal Project, along with other local partners, to pursue a three-year grant from the U.S. Department of Justice Office on Violence Against Women to provide legal assistance for victims of sexual assault, domestic violence, dating violence, and stalking for the term commencing October 1, 2019 and ending September 30, 2022, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 113

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING CRIME VICTIM AND WITNESS ASSISTANCE SERVICES

Introduced: 3/11/19
By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf:

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to submit a grant application to the New York State Office of Victim Services regarding crime victim and witness assistance services in an amount not to exceed $2,000,000 for a three-year term commencing October 1, 2019 and ending September 30, 2022 with the option of a two-year renewal period, and

WHEREAS, The Director has indicated that the grant funding will be used to partially fund eighteen staff positions to provide direct support services to crime victims as well as operational costs, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to the New York State Office of Victim Services regarding crime victim and witness assistance services in an amount not to exceed $2,000,000 for a three-year term commencing October 1, 2019 and ending September 30, 2022 with the option of a two-year renewal period, and, be it further

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 114

AUTHORIZING AN AGREEMENT WITH THE CITY OF ALBANY REGARDING POLICE ATTENDANCE AND EMERGENCY MEDICAL SERVICES AT THE CRIME VICTIM AND SEXUAL VIOLENCE CENTER’S TAKE BACK THE NIGHT RALLY

Introduced: 3/11/19
By Mss. Plotsky, Cunningham, Messrs. Mayo and Burgdorf:

WHEREAS, The Albany County Crime Victim and Sexual Violence Center works in collaboration with the Albany Law School Pro Bono Program every year to host the “Take Back the Night Rally and March Against Sexual Violence”, and

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to enter into an agreement with the City of Albany regarding traffic and crowd control provided by the Albany Police Department and emergency medical services provided by the Albany Fire Department on Wednesday, April 17, 2019 from 5:00 p.m. to 8:00 p.m., and

WHEREAS, This is the 38th Annual Take Back the Night March for the Crime Victim and Sexual Violence Center, to raise awareness regarding the issue of violence against women and to encourage community mobilization, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the City of Albany regarding traffic and crowd control provided by the Albany Police Department and emergency medical services provided by the Albany Fire Department at the 38th Annual “Take Back the Night Rally and March Against Sexual Violence” on Wednesday, April 17, 2019 from 5:00 p.m. to 8:00 p.m., and

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

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 115

AUTHORIZING THE SETTLEMENT OF A LAWSUIT

Introduced: 3/11/19
By Law Committee:

WHEREAS, The County Attorney has been involved in ongoing litigation with Dawn Mann, hereinafter referred to as the “Party”, who desires to settle all ongoing litigation with the County, and

WHEREAS, the County Attorney has undertaken negotiations with the Party and has proposed a settlement agreement, and

WHEREAS, The County Attorney has recommended that the County of Albany settle this matter for a total of $150,000 in full and final satisfaction of any and all claims arising from or relating to the Party’s action, now, therefore be it,

RESOLVED, By the Albany County Legislature that the county Executive is authorized to execute any necessary documentation to effectuate the settlement of the litigation for the total sum of $150,000, and, be it further,

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

RESOLVED, That the Clerk of the Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 116

APPOINTMENT OF A COUNTY CORONER

Introduced: 3/11/19
By Messrs. A. Joyce and Feeney:

WHEREAS, There exists a vacancy in the position of County Coroner for
Albany County, and

WHEREAS, Article 19 of the Albany County Charter provides that the vacancy
shall be filled by the Albany County Legislature, now, therefore, be it

RESOLVED, By the Albany County Legislature, that Antonio Sturges, 162
South Swan Street, Albany NY is hereby appointed to the position of County Coroner
for a term commencing immediately and ending December 31, 2019, and, be it further

RESOLVED, That the Clerk of the Legislature is hereby directed to forward
certified copies of this resolution to the appropriate County Officials.
RESOLUTION NO. 117

APPOINTMENT OF MEMBER TO THE ALBANY COUNTY PLANNING BOARD

Introduced: 3/11/19
By Mr. Feeney:

WHEREAS, The County Planning Board advises and assists the County Legislature and the Director of the Department of Economic Development, Conservation and Planning on matters related to comprehensive metropolitan, regional, county and municipal planning and performs duties and responsibilities conferred by Article 12-B of the General Municipal Law, and

WHEREAS, The Board is made up of eight members, five of whom are appointed by and serve at the pleasure of the Legislature and three ex-officio members: the Commissioner of Public Works, the Commissioner of Management and Budget and the County Comptroller, and

WHEREAS, A vacancy now exist on the Planning Board, now, therefore be it

RESOLVED, That pursuant to Section 1103 of the Albany County Charter, the Albany County Legislature hereby appoints Brian Crawford of the Village of Voorheesville to replace Sean M. Maguire on the Albany County Planning Board to serve at the pleasure of the Legislature until such time as a successor is appointed, 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.
RESOLUTION NO. 118

AMENDING THE 2019 ALBANY COUNTY BUDGET: CONTINGENT ACCOUNT ADJUSTMENTS

Introduced: 3/11/19
By Messrs. A. Joyce, Higgins, Fein, Simpson, Dawson, O'Brien, Ward and Burgdorf:

WHEREAS, New York State authorizes counties, via section 365 of the County Law, to establish a Contingent Account for items not addressed at the time the budget is formulated and adopted, and

WHEREAS, Albany County has created such an account in its General Fund, and

WHEREAS, The Chair of the County Legislature has created an open and transparent process to reallocate funds budgeted in the 2018 and 2019 County Budgets from the Contingent Account to existing accounts for purposes beneficial to the residents of Albany County, and

WHEREAS, To accomplish this, an amendment to the 2019 Albany County Budget is necessary, now, therefore be it

RESOLVED, By the Albany County Legislature that the 2019 Albany County Budget is amended as follows:

Decrease Appropriation Account A1990.4 by decreasing Line Item A1990 4 4999 Miscellaneous Contractual Expense by $720,886

Increase Appropriation Account A1185.4 by $100,000 by increasing Line Item A1185 4 4252 Medical Services/Therapy by $100,000

Increase Appropriation Account A3650.4 by $250,000 by increasing Line Item A3650 4 4064 Regional Land Bank by $250,000

Increase Appropriation Account A3150.4 by $46,500 by increasing Line Item A3150 4 4498 Jail Transition Program by $46,500

Increase Appropriation Account A7410.4 by $100,000 by increasing Line Item A7410 4 4449 Youth Recreation Programming by $100,000

Increase Appropriation Account A1620.4 by $9,491 by increasing Line Item A1620 4 4024 Housekeeping Supplies by $9,491
Increase Appropriation Account A3110.2 by $80,000 by increasing Line Item A3110 2 2080 Specialty Equipment by $80,000

Increase Appropriation Account A2960.4 by $74,895 by increasing Line Item A2960 4 4046 Fees for Services by $74,895

Increase Appropriation Account A6772.4 by $10,000 by increasing Line Item A6772 4 4046 Fees for Services by $10,000

Increase Appropriation Account A6772.4 by $50,000 by increasing Line Item A6772 4 4046 Fees for Services by $50,000

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.
RESOLUTION NO. 119

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “C” FOR 2019

Introduced: 3/11/19
By Mr. Feeney:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “C” for 2019, “A Local Law Of The County Of Albany Amending And Updating Local Law No. 2 For 2011 Requiring Item Pricing By Retail Stores In The County Of Albany” 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.
RESOLUTION NO. 120

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “D” FOR 2019

Introduced: 3/11/19
By Ms. Cunningham:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “D” for 2019, “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” 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.
RESOLUTION NO. 121

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “E” FOR 2019

Introduced: 3/11/19
By Mr. Miller:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “E” for 2019, “A Local Law Of The County Of Albany, New York Restricting The Sale Of Flavored Tobacco Products” 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.
RESOLUTION NO. 122

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "O" FOR 2018

Introduced: 3/11/19
By Ms. Cunningham:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "O" for 2018, "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING SECTION 207 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 TO MAKE AMENDMENTS TO THE ALBANY COUNTY CHARTER RELATING TO COMMISSIONS ON REAPPORTIONMENT FOR PURPOSES OF IMPLEMENTING AN INDEPENDENT, TRANSPARENT, PUBLICLY-ACCOUNTABLE REDISTRICTING PROCESS" 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.
RESOLUTION NO. 123

A RESOLUTION TO ESTABLISH ALBANY COUNTY AS A POLLINATOR-FRIENDLY MUNICIPALITY

Introduced: 3/11/19

By: Messrs. Bullock, Ms. Lekakis and Cunningham, Messrs. Reinhardt and Touchette:

WHEREAS, Albany County has a history of protecting rare and endangered invertebrates such as the Karner Blue Butterfly, which has been brought back to healthy population from the brink of extinction, and

WHEREAS, the recent swift and dramatic global declines in insect populations forces us to face the reality that humans are entirely dependent upon pollinators in our gardens, crops, food chain and ecosystems, making it necessary to continue our commitment to their protection, and

WHEREAS, there are now eight (8) endangered species of bees in the United States, one of which, the Rusty Patched Bumblebee, was native to Albany County, and

WHEREAS, recent research data has recorded dramatic insect declines globally, estimates from one 2014 study found that three has been a forty-five percent (45%) drop in the abundance of invertebrates, a majority of which are insects, and

WHEREAS, neonicotinoid pesticides remain in the pollen and nectar of plants for thirty-six (36) month, causing neurotoxic effects on visiting insects, and

WHEREAS, neonicotinoids have been found to be more toxic than other pesticides to bees, and

WHEREAS, declines of insectivorous (a diet of insects, worms and other invertebrates) birds have been documented as high as thirty-three percent (33%) decline since the 1970’s, the most rapid drop in population in any bird group, and

WHEREAS, Albany County has been a leader in protecting our partners in agriculture, wildlife and conservation, now, therefore be it

RESOLVED, that Albany County is hereby declared a Pollinator Friendly County, and be it further,

RESOLVED, that Albany County shall, to the extent practicable, establish host plants and nectar plant species for local pollinators – butterflies, moths, bee species and other flying insect species – along all County properties and County parks, and be it further,
RESOLVED, that Albany County shall take measures to restore and increase habitat to include native plants with succession blooming, aiming for pollen and nectar along County roads whenever such roads are reconstructed or repaved, and be it further

RESOLVED, shall conduct an inventory of all pesticides being used by Albany County, and make efforts to phase out the use of neonicotinoid pesticides in favor of lesser toxic methods as part of an Integrated Pest Management System plan promoting pollinator friendly practices, and be it further

RESOLVED, that Albany County will publish guides to pollinator host and nectar plants native to this region for gardeners to refer to, and to local neonicotinoid free organic farms and Community Supported Agriculture greenhouses, sellers of untreated organic seeds in an effort to encourage consumers and gardeners to support pollinator-friendly practices, and be it further

RESOLVED, that Albany County will encourage municipalities within Albany County to adopt conservation easement ordinances, allowing for possible reductions of property taxes in exchange for conservation easement access, and be it further

RESOLVED, that Albany County will encourage local educators to teach about host and nectar plants, and promote the establishment of pollinator gardens throughout schools and the community, 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. “C” FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING AND UPDATING LOCAL LAW NO. 2 FOR 2011 REQUIRING ITEM PRICING BY RETAIL STORES IN THE COUNTY OF ALBANY

Introduced: 3/11/19
By Mr. Feeney:

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

Local Law No. 2 for 2011 is amended to read as follows:

SECTION 1. Title.

This Law shall be known as the “Albany County Item Pricing Law.”

SECTION 2. Legislative Intent.

This Law recognizes that clear, accurate item pricing is a basic consumer right which is no longer protected under State Law. It is the purpose of this Law to ensure that consumer goods offered for sale in the County of Albany are clearly, accurately and adequately marked as to their selling price. The County Legislature does, at the same time, recognize the numerous efficiencies and economies available to the retail food industry through use of computer-assisted checkout systems (together with shelf tag labeling) as the primary method of pricing consumer goods. It is the intention of this Legislature to require that retail food stores place individual item prices on products that they sell and to require accuracy at the checkout registers. It is also the intention of this Legislature to provide for a waiver of the item pricing requirement for certain stores that demonstrate and maintain a very high degree of computer-assisted pricing accuracy and that provide certain consumer protections and services that enhance the ability of consumers to record and verify individual item prices.

SECTION 3. Definitions.

A. “Stock keeping unit” shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety within the following categories:
1. food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose; and

2. napkins, facial tissues, toilet tissues, and any disposable wrapping or container for the storage, handling or serving of food; and

3. detergents, soaps, other cleansing agents, and cleaning implements; and

4. non-prescription drugs, feminine hygiene products and health and beauty aids.

B. “Stock keeping item” shall mean each individual item of a stock keeping unit offered for sale.

C. “Universal product coding” shall mean any system of coding which entails electronic pricing.

D. “Item price” shall mean the tag, stamp or mark affixed to a stock keeping item by an authorized person which sets forth, in clearly readable Arabic numerals, the selling price.

E. “Computer-assisted checkout system” shall mean any electronic device, computer system or machine which determines the selling price of a stock keeping item by interpreting its universal product code, or by use of its price look-up function.

F. “Price look-up function” shall mean the capability of any checkout system to determine the selling price of a stock keeping item by way of the manual entry into the system of a code number assigned to that particular unit by the retail store or by way of the checkout operator’s consultation of a file maintained at the point of sale.

G. “Person” shall mean an individual, firm, partnership, association, or corporation.

H. “Inspector” shall mean the authorized government official or his agents or employees having jurisdiction to enforce the provisions of this Local Law.

I. “Retail store” shall mean a store selling stock keeping units at retail including, but not limited to, grocery retailers, pharmacies and
department stores. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members. Pursuant to this section, a retail store shall not include any store which:

1. has as its only full-time employee the owner thereof, or the parent, or the spouse or child of the owner, or in addition thereto not more than two full-time employees; or

2. had annual gross sales in a previous calendar year of less than three million dollars, unless the retail store is part of a network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which, as a group, had annual gross sales in the previous calendar year of three million dollars or more; or

3. engages primarily in the sale of food for consumption on the premises or in a specialty trade which the Director of Weights and Measures determines, by regulation, would be inappropriate for item pricing.

J. “Retail Area” shall mean the area designated in a retail store to display and sell products, provide customer service and check out. The retail area does not include the storage area, back rooms, stock area, maintenance areas, or other locations which are not intended to be accessible to consumers.

SECTION 4. Item Pricing Required.

A. Subject to the waiver provisions contained in Section 7 of this local law, every retail store, person, firm, partnership, corporation or association which sells, offers for sale or exposes for sale in a retail store a stock keeping unit that bears a Universal Product Code shall disclose to the consumer the price of each stock keeping item by individually marking each such item with the item price.

B. Certain items exempted. The following stock keeping items need not be item priced as provided in Subdivision A of this section provided that a shelf price and a price look-up function are maintained for such stock keeping items:

1. Snack foods such as cakes, gum, candies, chips and nuts offered for sale in single packages and weighing five ounces or less;
2. Stock keeping items which are under three cubic inches in size, and weigh less than three ounces, and are priced under one dollar;

3. Items sold through a vending machine;

4. Fresh milk, cream, half and half and other similarly packaged liquid dairy products and orange juice;

5. Fresh eggs;

6. Unpackaged fresh produce;

7. Food offered for sales in bulk;

8. Items offered for sale which are packaged in poly-plastic frozen food bags;

9. All sale items merchandised in segregated off-shelf displays for a period of up to 21 days provided the name of the product and the advertised or sale price is clearly and conspicuously posted on a sign at the point of display;

10. Individual jars of strained and junior size baby food;

11. Individual boxes of dry gelatin and pudding;

12. Ice cream and frozen yogurt; and

13. Stock keeping items within a multi-package that is properly item priced.

SECTION 5. Pricing Accuracy.

A. No retail store, person, firm, partnership, corporation or association shall charge a price for any exempt or non-exempt stock keeping item which exceeds the lower of any item price, shelf price, sale price or advertised price of such stock keeping item. In the event that the programmed computer price exceeds the lowest price a store is permitted to charge for a stock keeping unit, the store will be subject to a penalty as described in Section 6, Paragraph E.

B. In a store with a laser scanning or other computer assisted checkout system, the Inspector shall be permitted to compare the item, shelf, sale or
advised price of any stock keeping item sold in the store with the programmed computer price.

SECTION 6. Enforcement.

A. Item Pricing Inspection Procedures. For the purpose of determining a store's compliance with the requirements of Section 4, an inspection shall be conducted of a sample of no less than ten stock keeping units. However, in the event the Inspector has received a specific written complaint, no such minimum sample shall be required in the investigation of same.

B. Laser Scanner Accuracy Inspection Procedures. For any inspection under Section 5 or Section 7, the store representative shall afford the Inspector access to the test mode of the checkout system in use at that store or to a comparable function of said system and the retail price information contained in a price look-up function. All inspections conducted pursuant to this section shall consist of a random sample of not less than one hundred nor more than two hundred stock keeping units. In the event the Inspector has received a specific written complaint, the Inspector, may, in his discretion, conduct an inspection of only those items.

C. Stop Removal Order. An Inspector shall have the authority to issue a stop removal order with respect to any device, system, or stock keeping unit being used, handled or offered for sale in violation of Section 4 or 5. Any such order shall be in writing and directed that the device, system or stock keeping unit, as the case may be, shall be removed from use or sale pending correction.

D. Penalties for Item Pricing Violations. Any retail store which fails to mark any stock keeping item in violation of Section 4 shall be subject to the penalties of not less than five dollars and not more than fifty dollars per violation. For additional violations during a subsequent inspection in a twelve month period, the above penalties shall be doubled. In doubling penalties, an Inspector shall not be limited to the doubling of any specific fine previously issued. No penalties shall be imposed for a violation of Section 4 if more than ninety-five percent of all the stock keeping items inspected in each stock keeping unit at an individual point of sale contain clearly readable and correct item prices.

E. Penalties for Scanner Accuracy Violations. Upon a violation of the provisions of Section 5, a penalty in the amount of one hundred dollars per violation shall be imposed for the first two violations of the stock keeping items compared; two hundred dollars per violation for the next two violations; two hundred fifty dollars per violation for the next two violations; and three hundred fifty dollars for each additional violation. For additional violations
during a subsequent inspection in a twelve month period, the above penalties shall be tripled and suspension of a Section 7 waiver for one year.

SECTION 7. Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections.

A. Every retail store, person, firm, partnership, or corporation or association subject to this Local Law which would otherwise be required to item price as provided in Section 4 may make an application in writing to the Department of Weights and Measures for a waiver of the item pricing requirements as contained herein. The application shall be submitted to the Director of Weights and Measures for the County of Albany.

[A ]Separate applications shall be required for each retail store, person, firm, partnership, or corporation subject to this Local Law .

B. Each application for a waiver of the item pricing requirements contained herein shall be subject to a non-refundable annual waiver fee based on the retail square footage of the retail area of each store as set forth according to the following schedule:

<table>
<thead>
<tr>
<th>Retail Area</th>
<th>Waiver Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 3,000 sq. ft.</td>
<td>$500.00</td>
</tr>
<tr>
<td>3,000 to 10,000 sq. ft.</td>
<td>$750.00</td>
</tr>
<tr>
<td>10,000 to 30,000 sq. ft.</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>30,000 to 90,000 sq. ft.</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>More than 90,000 sq. ft.</td>
<td>$1,750.00</td>
</tr>
</tbody>
</table>

[B. All written requests for an item pricing waiver shall include an annual waiver application fee in the amount of three thousand dollars made payable to the County.]

C. Waiver applications and the required fee submitted under this section must be received by the Department of Weights and Measures on or before May 1 of each year. New stores which did not previously hold waivers may apply after the May 1 deadline and the application and length of the waiver will be prorated accordingly.

D.[C]. Upon receipt of an application and fee as provided in subsections A and B of this section, the Director of Weights and Measures shall cause to be conducted two scanner accuracy inspections of the store for which the application has been submitted. These inspections shall be conducted on two separate days, in a manner prescribed by the Director of the Department of Weights and Measures, and shall consist of comparing the shelf, sale or
advised price of any stock keeping unit with the computer-assisted checkout system price. At stores with a retail area in excess of 30,000 square feet a minimum of fifty (50) items shall be checked at each inspection. At stores with a retail area of less than 30,000 square feet a minimum of twenty-five (25) items shall be checked. In the event that any violations are detected, penalties shall be assessed as provided in Section 6, subsection E. If, considering both inspections together, the number of stock keeping units found to be in violation does not exceed two percent of all stock keeping units inspected, the Director of Weights and Measures shall grant to the applicant a revocable one year waiver from item pricing requirements provided that the applicant has paid all outstanding penalties imposed in connection with this Local Law. Any store with a current waiver shall not be subject to the item pricing provisions set forth in Section 4 herein.

E. A waiver from item pricing requirement contained herein shall be valid for a period of one year from the date of issuance. Stores must reapply annually for the renewal of a waiver at the rates established in Section 7(B) of this law. The waiver fee and two inspections shall be required for each annual renewal application, as required for an original waiver application.

F.[D]. In the event that total violations in excess of two percent are discovered in the inspections provided for in subsection D [C] herein, the Director of Weights and Measures shall not grant a waiver to the applicant. Such a store may reapply for a waiver by submitting another application with the required fee.

G.[E]. Any retail store that obtains an annual waiver from item pricing shall be required to:

1. Display easy-to-read and properly located shelf tags or signs on every stock keeping unit or group of stock keeping units of the same brand, size and price. Shelf tags shall contain all pricing information required by section 214-h of the New York State agriculture and markets law, as such law is amended from time to time.

2. Post a notice for the consumer, in a conspicuous location, of the granting of the item pricing waiver which shall indicate consumer rights with respect to the accurate pricing of items and price discrepancies.

3. Designate and make available price check scanners to enable consumers to confirm the price of the stock keeping item. These price check scanners shall be in locations that are centrally located in the store and convenient to consumers, with signs of sufficient lettering to identify the scanners to consumers. The minimum number of price
check scanners shall be dependent on the stores retail area as follows:
[Designate and make available the number of price check scanners set forth in the following table to enable consumers to confirm the price of a stock keeping item]:

<table>
<thead>
<tr>
<th>Retail Area</th>
<th>Minimum # of Scanners</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Square footage of selling space]</td>
<td>Number of Scanners</td>
</tr>
<tr>
<td>Less than 30,000</td>
<td>1</td>
</tr>
<tr>
<td>30,000 – 99,000</td>
<td>2[3]</td>
</tr>
<tr>
<td>Over 90,000</td>
<td>4[5]</td>
</tr>
</tbody>
</table>

Stores shall have the discretion to install price check scanners which are capable of printing an adhesive label containing the price of the stock keeping item. Stores which choose to have scanners, in an amount which complies with the requirements noted above, but which do not print adhesive labels shall be considered in compliance with the provisions of this local law for purposes of granting a waiver. [One such price check scanner shall be capable of printing an adhesive label containing the price of the stock keeping item. Price check scanners shall be placed in a location convenient to consumers with a sign of sufficient sized lettering identifying this unit to consumers.] Price check scanners may be used by the retail store to meet unanticipated customer checkout needs.

4. Assist county inspectors with store inspections. The retail store may make store personnel or hand-held price scanners available to a county inspector to assist with price accuracy inspections. Inspections of retail stores may be unannounced, provided however, that the inspector shall notify the store upon arrival.

A retail store failing to comply with any of the requirements of section 7 of this local law [this subsection E] shall be subject to a penalty in the amount of no more than three hundred dollars per violation.

H.[F]. An annual waiver from item pricing shall be valid until such time as a store falls below 98% accuracy on two consecutive pricing accuracy inspections. Failure to meet the scanning accuracy requirement or failure to pay the annual application fee shall subject the retail store to the item pricing requirements of this Local Law within ten days of the last inspection.

I.[G]. In the event that the Director of Weights and Measures is unable to conduct inspections pursuant to [subsection C] of this section within thirty days of receipt of a completed written waiver application, the Director of
Weights and Measures shall grant a temporary waiver pending completion of
the inspections. If, upon completion, the item pricing inspections detect a
violation rate of two percent or less, the Director of Weights and Measures shall
issue an annual waiver. If the inspections detect a violation rate in excess of
two percent, the temporary waiver shall be immediately revoked and the item
pricing provisions of this Local Law shall apply.

SECTION 8. Regulations

In addition to the powers and duties elsewhere prescribed in this local
law, the Director of the Department of Weights and Measures shall have the
power to adopt, amend or rescind, after a public hearing, such regulations that
may be necessary to effectuate the purposes of this law with respect to item
pricing and accuracy. At least seven days prior notice of such public hearing
on proposed regulations shall be published in the official newspapers of the
County of Albany. Any regulations adopted pursuant to this local law shall be
filed in the Office of the Clerk of the Albany County Legislature.

SECTION 9[8]. Jurisdiction.

The provisions of this Local Law and any Regulations promulgated
hereunder shall be enforced by the Director of Weights and Measures for the
County of Albany. The Director of Weights and Measures shall refer cases of
unpaid penalties to the Albany County Attorney for appropriate legal action.

SECTION 10[9]. Appointment of Review Committee.

Upon the expiration of the first six months of operation, the Chairman
of the County Legislature shall appoint a three-member Review Committee to
study this Law’s strengths and weaknesses and make appropriate
recommendations for amendments to the Finance Committee.

SECTION 11[0]. Severability.

If any section of this Local Law, or the application thereof to any person
or circumstance shall be adjudged invalid by a Court of competent jurisdiction,
such order or judgment shall be confined in its operation to the controversy in
which it was rendered and shall not affect or invalidate the remainder of any
provision of any section or the application of any part thereof to any other
person or circumstance and to this end the provisions of each section of this
Law are hereby declared to be severable.

SECTION 12[1]. Effective Date.
This local law shall take effect immediately.
LOCAL LAW “D” FOR 2019

A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS

Introduced: 02/28/2019
By Ms. Cunningham, Messrs. Reinhardt, Mss. Lekakis and Plotsky, Messrs. Dawson and Fein, Ms. McLean Lane, Messrs. Joyce, Higgins, O’Brien, Bullock and Mayo:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, as follows:

Section 1. Title.

This Local Law shall be known as the “The Eliminate Single-Use Plastic Bag Use in Albany County Act.”

Section 2. Legislative Purpose and Findings.

The Albany County Legislature hereby finds and determines that it is imperative that the use and reliance on single-use plastic shopping bags must be reduced, and ultimately, eliminated. Further, the data and evidence supporting the massive proliferation of single-use plastic bags in Albany County, the State of New York and in our nation is troubling and the future of our planet depends on legislative bodies such as the Albany County Legislature taking proactive steps to mitigate and eliminate the unnecessary usage of single-use plastic bags in Albany County.

Environmental Impact: The Environmental Protection Agency’s data indicates that between 500 billion and 1 trillion plastic bags are consumed worldwide each year. The United States is purportedly responsible for using approximately 100-260 million plastic bags annually. To manufacture 100 billion plastic bags, 12 million barrels of oil is required. The production and disposal of single-use plastic bags has significant environmental consequences and impacts including the contamination of the environment, the depletion of natural resources, the use of non-renewable polluting fossil fuels and increased clean up and disposal costs and challenges.

It is now believed that there are 5.25 trillion pieces of plastic debris in the ocean. Of that mass, 269,000 tons float on the surface, while some four billion plastic microfibers per square kilometer litter the deep sea. Ocean debris, which predominantly consists of plastic pollution, has dire consequences for ocean mammals and birds, which commonly mistake plastic bags for food. Plastic bags have been found in the intestines and stomachs of marine life, and one in three leatherback sea
turtles have been found with plastic in their stomachs. Plastic ocean debris is responsible for killing an estimated 1,000,000 seabirds and 100,000 ocean mammals each year. At least 267 different species have been negatively affected by plastic pollution, including plastic bags.

**Over-reliance on plastic:** The average American family takes home almost 1,500 single-use plastic bags each year, and a single-use plastic bag is used for an average of 12 minutes. Other data suggests that an average family accumulates 60 plastic bags in only four trips to the grocery store. The average American recycles one plastic bag out of every 200 used.

Managing the disposal of single-use plastic bags is also costly to the taxpayer. In communities that have examined policies to discourage the use of single-use plastic bags, there have been data collected indicating that the disposal costs of managing the trash impact of plastic bag garbage is significant. From the New York State Plastic Bag Task Force, created by Governor Cuomo in 2017, this analysis of the cost to taxpayers in particular communities:

> "Prior to California's statewide single-use plastic bag ban, the City of San Diego consumed 500 million single-use plastic bags each year. Approximately 95% of these ended up in landfills and cost the people of California $25 million per year to manage. A 2013 study reported that of the 100 billion single-use plastic bags that Americans use each year, nearly 50 million end up as litter nationwide. The study also indicated that residents in coastal areas pay almost $15 per resident in overall litter cleanup costs. According to a draft proposal in 2017 for a single-use plastic bag ban in Madison County, NY, it was noted that the county "expends significant sums of money to control and pick up litter." In NYC alone, single-use, carry-out bags account for 1,700 tons of residential garbage each week, which equates to 91,000 tons of plastic and paper carry-out bags each year and presently costs the City $12.5 million annually to dispose of this material outside the city."

The Albany County Legislature further finds that policies aimed at banning single-use plastic bags or charging a fee for recyclable bag usage are effective.

Solutions that result in a fee for single-use bags, or that institute a ban on single-use plastic bags altogether work effectively, with resounding results. Data supporting this is abundant: when the City of Los Angeles, CA adopted a ban/fee hybrid policy model in 2012, there was a 94% reduction in carryout bag consumption.

Further, policy proposals to combat the consumption of single-use plastic bags is prolific across the world. According to the Governor's report:
Municipalities within New York State, across the United States, and around the world have implemented single-use plastic bag reduction measures in a variety of forms. On a worldwide scale, more than 75 countries have taken steps to reduce the consumption of single-use plastic bags. About one-third of these have instituted bans, approximately one-third have instituted fees, and the remaining one-third have taken the approaches listed below that differ from an outright ban or fee. As of March 2017, bans on the distribution of single-use plastic bags existed in nearly 100 cities, towns, and municipalities across the country, and fees existed in almost 30. Of the existing single-use bag fees, at least half are used in combination with a bag ban. In these instances, plastic bags are banned and the fees exist on other types of single-use carry out bags such as paper and compostable plastic. Most programs across the United States, for either a ban or a fee, include an exemption for certain bags such as produce and meat bags, prescription bags, dry cleaning bags, and newspaper bags.

In New York State, ten cities, towns or villages have enacted plastic bag bans and one municipality has a plastic bag ban with a fee on single-use paper bags and bags that qualify as reusable, including 2.25 mil flexible plastic bags. The City of Long Beach has a single-use plastic bag fee in place and Suffolk County's single-use plastic bag fee took effect January 1, 2018.

Municipalities that have taken these steps find successful outcomes, with significant reductions in the carryout bag consumption, including that of single-use plastic bags. In addition, municipalities are also finding taxpayer/direct environmental benefit from instituting bag bans or fees: The City of San Jose saw an 89% reduction in plastic bags in their storm drain system, a 60% reduction of plastic bag litter in their creeks and rivers, and a 59% reduction in plastic bag litter in neighborhoods after instituting its plastic bag ban and fee on the allowable alternatives.

Section 3. Definitions

For purposes of this local law, the following terms shall have the meanings indicated below:

(a) “Covered Store” shall mean an establishment engaged in the retail sale of personal, consumer, household items including but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, gas stations, hardware and home improvement stores, stationary and office supply stores and food service establishments that provide carryout bags to consumers. Covered stores also include all apparel, clothing and shoe stores, including those in malls.
(b) “Customer” shall mean any person obtaining goods from a covered store.
(c) “Food Service Establishment” shall mean a place where prepared food is provided for individual portion service directly to a customer whether consumption occurs on or off the premises.

(d) “Person” shall mean any natural person, firm, corporation, partnership or other organization or group, however organized”.

(e) “Single-use Plastic Carryout Bag” shall mean a single-use plastic bag less than 4 mils (1 mil equals 1/1000th thickness) thick that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store. A typical plastic supermarket bag is .5 mil, a thicker “mall store” plastic bag is 2.3 mil or greater. “Single-use Plastic Carryout Bag” does not include (1) a bag without handles used to carry produce, meat, dry goods or other non-prepackaged food items to the point of sale within a store or market or to prevent such food items from coming into direct contact with other purchased items; (2) a garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner such as a dry cleaner.

(f) “Recyclable Paper Bag” shall mean a paper bag that (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled content.

(g) “Retail Sales” shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sale, farmers’ markets, flea markets and restaurants. The term “retail sales” does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.

(h) “Reusable Bag” shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and meets all the following requirements: (1) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet; (2) is machine washable or capable of being cleaned and disinfected; (3) does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable State and Federal standards and regulations for packaging or reusable bags; and (4) if made of plastic, a minimum of 4 mils thick.

Section 4 Prohibition.

No covered store shall provide a single-use plastic carryout bag to any customer at the check-out stand, cash register, point of sale or other point of departure, for the purpose of transporting food or merchandise out of the establishment. This prohibition shall also apply to any “order online and pickup in store” or food delivery service.

Section 5 Permitted Bags.
(a) Covered stores may not provide or make available to customers at the check-out stand, cash register, point of sale or other point of departure, any single-use plastic carry-out bag for the purpose of transporting food or merchandise out of the establishment.

(b) All covered stores shall make available to customers, only recyclable paper bags or boxes, or reusable bags for the purpose of carrying away goods or other materials from the point of sale. Nothing in this local law prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

(c) On or immediately after the effective date, covered stores shall charge customers at least $.05 for each recyclable paper bag that is provided to customers. On or immediately after the effective date, all covered stores shall indicate on the customer receipt the number of recyclable paper bags that are provided to customers and the fee at which they were charged for the use of the recyclable paper bag. All monies collected by a covered store shall be retained by the covered store.

(d) The use of single-use plastic bags shall be prohibited, while the use of recyclable paper bags shall be available. On or immediately after the effective date, recyclable paper bags shall be available for at least $.05 and single-use plastic bags shall not be available in Albany County Covered Stores.

Section 6. Responsibilities and Obligations of Covered Stores.

(a) All covered stores shall post signs at or near the point of sale located in such Covered Stores to notify customers of the provisions of this law, as well as the per bag charge for recyclable paper bags and reusable bags that the store may offer. Covered stores shall also indicate in signage that recyclable paper bags will be available for a charge of at least $.05 each recyclable paper bag

(b) Covered Stores must make available, on the customer receipt, the itemized number of recyclable or reusable bags used, on the sales receipt, including online receipts.

(c) Covered stores may retain the mandatory bag fee of at least $.05 per recyclable paper bag.

(d) No Covered Store shall provide a credit to any person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this Local Law.

(e) Covered Stores shall be encouraged to work with organizations seeking to donate reusable bags for customer use that would allow for wide, free distribution of free reusable bags.

(f) Covered stores shall also be encouraged to adopt “leave-a-bag” “take-a-bag” initiatives that encourage consumer engagement on the use of reusable bags and that aim to enable wide adoption in communities with a high proportion of customers with limited incomes.
(g) Covered stores shall waive the fee for any customers using Supplemental Nutrition Assistance Program (SNAP) and the federal Women Infants and Children (WIC) Program cards. Covered stores shall have discretion in waiving the recyclable bag fee for any low-income constituency it deems appropriate.

(h) Covered stores shall be discouraged from “stock piling” plastic bag inventory and shall make every effort to be ready for the implementation of this local law.

Section 7. Deduction from Employee Wages Prohibition

Covered stores are prohibited from making a charge against, or deduction from, the wages of an employee to offset any penalty levied against the covered store pursuant to this local law.

Section 8. Albany County Responsibilities, Enforcement and Penalties.

(a) Department that will oversee this Local Law: The Albany County Executive shall deem the appropriate department within Albany County Government to oversee the enforcement, implementation of regulations and other guidance to secure the successful implementation of this Local Law. Further, the County Executive shall inform the Legislature of his or her recommendation to ensure enforcement of this Local Law. In addition, on an annual basis, the Department selected by the Albany County Executive to oversee and implement this local law shall prepare an annual recycling report that includes information detailing the success of the effort to eliminate the commercial use of plastic bags and include information such as:

i. the effectiveness of this local law in reducing the use of single-use carryout bags;

ii. the waste and litter reduction benefits of this local law;

iii. the number of notices of violation issued pursuant to this local law; and

iv. any cost savings to the County attributable to single-use carryout bag reduction such as reduced contamination of local waterways or reduction in flooding or combined sewer overflows. This report shall also be shared with state and local legislators, as well as provided to the New York State Department of Environmental Conservation.

(b) Compliance Assistance to Business and Retail Community: The County Executive shall ensure that information regarding this local law, its effective date, penalties and other relevant compliance information shall be distributed via website and other electronic means in order to ensure that Albany County’s Covered Stores shall be well informed about all aspects of compliance and adherence. The Albany County Department that will oversee and implement this law shall provide electronic templates that include the important information regarding this local law referenced in Section 6, subsection 1 that covered stores shall be able to print out and display at points of sale. This
template shall be easily downloadable from the County website and hard copies shall be made available at the Albany County Office Building for retail operators who need signage. In addition, the Albany County Department that will oversee this local law shall engage the business and retail community affected by this local law prior to the implementation date to provide technical and other assistance and information, and shared approaches regarding compliance. These outreaches to the business community shall include county-wide business round tables.

(c) Penalties: Any Covered Store found to be in violation of the provisions of this law shall be liable for a civil penalty payable to the County of Albany pursuant to the following penalty structure
   i. Any Covered Store found to be in violation of the provisions of this law a first time shall be issued a written warning.
   ii. Any Covered Store found to be in violation of the provisions of this law a second time shall be liable for a civil penalty not to exceed $100.00.
   iii. Any Covered Store found to be in violation of the provisions of this law a third time shall be liable for a civil penalty not to exceed $250.00.
   iv. Any Covered Store found to be in violation of the provisions of this law a fourth time shall be liable for a civil penalty not to exceed $500.00.
   v. For each subsequent violation, daily fines of $100.00 shall be instituted and applied for violations of this Local Law until compliance is achieved.
   vi. The Albany County Executive's designee department shall have the discretion to temporarily suspend the business practices of Covered Stores that persistently violate this Local Law.
   vii. All fines collected for violations of the Local Law shall be used to offset any costs of compliance and oversight of adherence to this Local Law.

Section 8. Severability.

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

Section 9. Reverse Preemption.

This local law shall be null and void on the day that a statewide law is in effect, incorporating either the same or substantially similar provisions as are contained in this local law or in the event that a relevant state or federal administrative agency
issues and promulgates regulations preempting such action by the County of Albany. The Albany County Legislature shall determine by resolution whether or not the identical or substantially similar statewide law or relevant pre-emptive state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 10. Effective Date.

The effective date of this local law will be 6 (six) months from the date of its filing with the Secretary of State.
LOCAL LAW NO. "E" FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, RESTRICTING
THE SALE OF FLAVORED TOBACCO PRODUCTS

Introduced: 3/11/19
By Mr. Miller:

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

The Legislature of Albany County hereby finds and declares that:

Section 1: Findings and Intent

This Legislature finds that 81% of youth who have ever used a tobacco product report that the first tobacco product they used was flavored. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco products. As tobacco companies well know, menthol, in particular, cools and numbs the throat to reduce throat irritation and make the smoke feel smoother, making menthol cigarettes an appealing option for youth who are initiating tobacco use. Tobacco companies have used flavorings such as mint and wintergreen in smokeless tobacco products as part of a "graduation strategy" to encourage new users to start with tobacco products with lower levels of nicotine and progress to products with higher levels of nicotine. It is therefore unsurprising that young people are much more likely than adults to use menthol-, candy- and fruit-flavored tobacco products, including not just cigarettes but also cigars, cigarillos, and hookah.

Tobacco use causes death and disease and continues to be an urgent public health threat as evidenced by the fact that every year 480,000 people die prematurely in the United States from smoking-related diseases and 28,000 people die prematurely from second hand smoke making tobacco use the leading cause of preventable death. Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths.

The 2018 National Youth Tobacco Survey cites research showing that youth and young adults identify flavors as a primary reason for e-cigarette use. Given the highly addictive nature of nicotine, it is not surprising that high school students who were current flavored e-cigarette users reported an increase in their frequency of vaping. Some brands have particularly high levels of nicotine in that one single e-cigarette may contain as much nicotine as a pack of 20 cigarettes.
Much as youths disproportionately use flavored tobacco products, the same can be said of certain minority groups. According to the Food and Drug Administration (FDA), 85% of African American smokers, 44% of Hispanic smokers, 38% of Asian smokers and 28% of White smokers smoke menthol cigarettes. Native Americans, people who identify as LGBT, and young adults with mental health problems also have disproportionately high rates of smoking menthol cigarettes. Menthol products are more addictive, and both youth and racial/ethnic minorities find it harder to quit smoking menthol cigarettes.

According to the NAACP, “for decades, data has shown that the tobacco industry has successfully and intentionally marketed mentholated cigarettes to African Americans and particularly African American women as “replacement smokers”. The recognition of this harsh reality led the NAACP to adopt a unanimous resolution at their 2016 National Convention supporting state and local efforts to restrict the sale of menthol cigarettes and other flavored tobacco products.

Younger smokers are more likely than older smokers to try these products. When Congress enacted the FSPTCA, it found that the use of tobacco products by the nation’s children is a “pediatric disease of considerable proportions” that results in new generations of tobacco dependent children and adults.

Although the manufacture and distribution of flavored cigarettes (excluding menthol) are banned by federal law, neither federal law nor New York State law restricts the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah, electronic smoking devices and the solutions used in these devices.

According to the 2018 Surgeon General’s Advisory Regarding the E-cigarette Epidemic Among Youth, e-cigarettes entered the U.S. marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among U.S. youth. E-cigarette use among U.S. middle and high school students increased 900% during 2011-2015. During the past year, current e-cigarette use increased 78% among high school students from 12% in 2017 to 21% in 2018. More than 3.6 million U.S. youth, including 1 in 5 high school students and 1 in 20 middle school students currently use e-cigarettes.

Also according to the Surgeon General, nicotine exposure during adolescence can harm the developing brain that continues to develop until about age 25. Nicotine exposure during adolescence can impact learning, memory, and attention. Using nicotine in adolescence can also increase the risk for future addiction to other drugs. In addition to nicotine, the aerosol that users inhale and exhale from e-cigarettes can potentially expose both themselves and bystanders to other harmful substances including heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deeply into the lungs.
Since the industry will not reveal what chemicals are in the flavorings in the vapor products, it may be years before we know the full negative impact of the explosive increase in the use of e-cigarettes. Scientists have discovered that cinnamon, vanilla, and cherry flavors react with propylene glycol, a main ingredient in many vape juices, to create entirely new chemicals, according to a study published in the journal Nicotine & Tobacco Research. Oct 18, 2018.

The federal government’s National Institute on Drug Abuse reported that teen use of e-cigarettes soared in 2018. The survey, which polled 8th, 10th and 12th graders across the country, found the rise in nicotine vaping was the largest spike for any substance recorded by the study in 44 years.

Flavors appeal to youth and drive youth experimentation with tobacco products:
- Beyond improving palatability, perceptible flavor provides an avenue for youth marketing;
- Youth tobacco users typically begin with flavored products and, overall, use flavored products at higher rates than their older peers;

Flavored tobacco products promote youth tobacco initiation and drive young occasional smokers to daily smoking; Consumers incorrectly perceive flavored tobacco products to be less harmful:
- The presence of characterizing flavors signals product palatability, which incorrectly associated with lower relative harm, influencing consumer brand preference and use;
- Adolescents are more likely to believe that fruit and chocolate or other sweet flavors are less harmful than flavors like alcohol, tobacco, and spice flavors;
- Youth e-cigarette users perceive lower harm from flavored e-cigarettes than from unflavored e-cigarettes despite research documenting harmful constituents present in e-cigarette flavoring.
- The majority of youth who use tobacco choose flavored tobacco products;

E-cigarettes can also be used to deliver other drugs including marijuana. In 2016, one-third of U.S. middle and high school students who ever used e-cigarettes had used marijuana in e-cigarettes.

Albany County has a substantial and important interest in ensuring that existing state and local tobacco sales regulation is effectively enforced;
- Although it is unlawful to sell tobacco products to minors, 5 percent of New York retailers sold to minors between 2010 and 2012;
• A local tobacco retail licensing system will help ensure that tobacco sales comply with the Adolescent Tobacco Use Prevention Act, other tobacco control laws, and the business standards of Albany County;
• Licensing laws in other communities have been effective in reducing the number of illegal tobacco sales to minors;

A local licensing system for retailers of tobacco products, electronic cigarettes, and other products regulated by Article 13-F of New York State Public Health Law is necessary and appropriate for the public health, safety, and welfare of our residents;

Neither federal nor New York law restricts the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigarillos, cigars, smokeless tobacco, shisha, e-cigarettes or e-cigarette solutions. It is the intent of Albany County to implement effective measures through this Bill to restrict access to flavored iterations of these products, and thus reduce tobacco experimentation, promote successful cessation, and narrow tobacco-related health disparities; prevent the sale or distribution of contraband tobacco products, and facilitate the enforcement of tax laws and other applicable laws relating to tobacco products.

Section 2: Definitions

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

ACCESSORY means any product that is intended or reasonably expected to be used with or for the human consumption of a Tobacco Product or Electronic Aerosol Delivery System; does not contain tobacco and is not made or derived from tobacco; and meets either of the following: (1) is not intended or reasonably expected to affect or alter the performance, composition, Constituents, or characteristics of a Tobacco Product or Electronic Aerosol Delivery System; or (2) is intended or reasonably expected to affect or maintain the performance, composition, Constituents, or characteristics of a Tobacco Product or Electronic Aerosol Delivery System but (a) solely controls moisture and/or temperature of a stored Tobacco Product or Electronic Aerosol Delivery System.

APPLICANT means an individual, partnership, Limited Liability Company, corporation, or other business entity seeking a Tobacco Retail License.

COMMISSIONER means the Commissioner of the Albany County Department of Health.

COMPONENT OR PART means any software or assembly of materials intended or reasonably expected: (1) to alter or affect the Tobacco Product’s or Electronic Aerosol Delivery System’s performance, composition, Constituents, or characteristics; or (2) to be used with or for the human consumption of a Tobacco Product or Electronic
Aerosol Delivery System. Component or Part excludes any Constituent and any Accessory, and includes, but is not limited to e-liquids, cartridges, certain batteries, heating coils, programmable software, rolling papers and flavorings for Tobacco Products or Electronic Aerosol Delivery Systems.

CONSTITUENT means any ingredient, substance, chemical or compound, other than tobacco, water, or reconstituted tobacco sheet, which is added by the manufacturer to a Covered Product during the processing, manufacture, or packing of the Covered Product. This term shall include smoke and aerosol constituent.

COVERED PRODUCT means a Tobacco Product, Electronic Aerosol Delivery System, or another product regulated by Article 13-F of the New York State Public Health Law.

DEPARTMENT means the Albany County Health Department.

ELECTRONIC AEROSOL DELIVERY SYSTEM means an electronic device that, when activated, produces an aerosol that may be inhaled, whether or not such aerosol contains nicotine. Electronic Aerosol Delivery System includes any Component or Part but not Accessory, and any liquid or other substance to be aerosolized, whether or not separately sold. Electronic Aerosol Delivery System does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

EMISSION means any substance, chemical, or compound released or produced during use of a Covered Product. This term shall include, but is not limited to, smoke, aerosol, saliva, sputum.

FLAVORED PRODUCT means any Covered Product containing a Constituent that imparts a perceptible taste or aroma different from tobacco or produces an Emission or byproduct that imparts a perceptible taste or aroma different from tobacco, either before or during use of the Covered Product. A Covered Product is presumed to be a Flavored Product if a Tobacco Retailer, manufacturer, or a manufacturer’s agent or employee has:

i. made a statement or claim directed to consumers or the public, whether expressed or implied, that the Covered Product, Emission, or byproduct of the Covered Product smells or tastes different from tobacco, or

ii. Taken action that would be reasonably expected to result in consumers receiving the message that the Covered Product, Emission, or byproduct of the Covered Product smells or tastes different from tobacco.
No product shall be determined to be a Flavored Product solely because of the use of additives or flavorings or the provision of ingredient information.

NEW TOBACCO RETAIL LICENSE means any Tobacco Retail License that is not a Renewed Tobacco Retail License.

PERSON means any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

PERCEPTIBLE means perceivable by the sense of taste or smell.

RENEWED TOBACCO RETAIL LICENSE means a Tobacco Retail License issued to an Applicant for the same location at which the Applicant possessed a valid Tobacco Retail License during the previous 12 months.

TOBACCO PRODUCT means any product made or derived from tobacco or which contains nicotine, marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption. Tobacco Product includes any Component or Part, but not Accessory. Tobacco Product does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

TOBACCO RETAILER means a retailer licensed pursuant to this Bill.

TOBACCO RETAIL LICENSE means a license issued by the Department to a Person to engage in the retail sale in Albany County of a Covered Product.

Section 3: Requirement for Tobacco Retail License

(A)(1) No Person shall sell, offer for sale, or permit the sale of a Covered Product by retail within Albany County, without a valid Tobacco Retail License. A Tobacco Retail License is not required for a wholesale dealer who sells products to retail dealers for the purpose of resale only and does not sell a Covered Product directly to consumers.

(A)(2) Notwithstanding the requirements set forth in Section 3(A)(1), this Bill shall not apply to registered organizations pursuant to Title V-A of Article 33 of New York Public Health Law.

(B) A Tobacco Retail License issued pursuant to this Bill is nontransferable and nonassignable and valid only for the Applicant and the specific address indicated on the Tobacco Retail License. A separate Tobacco Retail License is required for each
address where a Covered Product is sold or offered for sale. A change in business ownership or business address requires a New Tobacco Retail License.

Section 4: License Application and Application Fee

(A) An application for a New Tobacco Retail License or Renewed Tobacco Retail License shall be submitted to the Department in writing upon a form provided by the Department and shall contain information as required by the Department. The Department may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

(B) Each application for a Tobacco Retail License shall be accompanied by a nonrefundable application fee of $50, or as determined by the Commissioner.

(C) Upon the receipt of a completed application for a Tobacco Retail License and the application fee required by Section 4(B), the Department shall inspect the location at which tobacco sales are to be permitted. The Department may ask the Applicant to provide additional information that is reasonably related to the determination of whether a license may issue.

Section 5: Issuance of Licenses

(A) No Tobacco Retail License shall be issued to any seller of a Covered Product that is not in a fixed, permanent location.

(B) The issuance of a Tobacco Retail License pursuant to this Bill is done in Albany County’s discretion and shall not confer upon licensee any property rights in the continued possession of such a license.

(C) The Department shall collect from the Applicant the Tobacco Retail License fee proscribed in Section 6 prior issuing the Tobacco Retail License.

(D) The Department may refuse to issue a Tobacco Retail License to an Applicant if it finds that one or more of the following bases for denial exists:

   (1) The information presented in the application is incomplete, inaccurate, false, or misleading;

   (2) The fee for the application has not been paid as required;

   (3) The Applicant does not possess valid certification of registration or licensure required by state or federal law for the sale of a Covered Product;
(4) The Department has previously revoked a Tobacco Retail License issued under this Bill to the Applicant;

(5) The Department has previously revoked a Tobacco Retail License issued under this Bill for the same address or location;

(6) The Applicant has been found by a court of law or administrative body to have violated any federal, state, or local laws pertaining to (a) trafficking in contraband Tobacco Products or illegal drugs, (b) the payment or collection of taxes on a Covered Product, (c) the display of a Covered Product or of health warnings pertaining to a Covered Product, or (d) the sale of a Covered Product;

(7) The Applicant has not paid to Albany County outstanding fees, fines, penalties, or other charges owed to Albany County, including the fee for the Tobacco Retail License required by Section 6; or

(8) The Department determines, in accordance with written criteria established to further the purposes of this Bill, that the Applicant is otherwise not fit to hold a Tobacco Retail License.

Section 6: License Term and Annual License Fee

(A) A Tobacco Retail License issued pursuant to this Bill shall be valid for no more than one year and shall expire on the thirty-first day of December of the calendar year for which it is issued. As set forth in Section 8, a Tobacco Retail License may be revoked for cause by the Department prior to its expiration for cause.

(B) The Department shall charge an annual Tobacco Retail License fee of $250 or as determined by the Commissioner.

(C) The Commissioner may discount the Tobacco Retail License fee required by Section 6(B) for an application received within ten (10) months of the expiration date.

(D) Beginning two years from the effective date of this Bill, the Department may, on an annual basis, modify the Tobacco Retail License fee required pursuant to Section 6(B). The Tobacco Retail License fee shall be calculated so as to recover the cost of administration and enforcement of this Bill, including, for example, issuing a license, administering the license program, hiring and training staff, identifying Flavored Products, retailer and community education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this Bill. All fees and interest upon
proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

Section 7: License Display

(A) A Tobacco Retail License issued pursuant to this Bill shall be conspicuously displayed at the location where a Covered Product is sold so that it is readily visible to customers.

(B) Selling, offering for sale, or permitting the sale of any Covered Product without a valid Tobacco Retail License displayed in accordance with Section 7(A) constitutes a violation of this Bill.

Section 8: Sale of Flavored Products Restricted

(A)(1) Except as specified in Section 8(A) (2), no Tobacco Retailer shall distribute without charge, sell, offer for sale, or possess with intent to sell, offer for sale, or distribute without charge a Flavored Product. This applies to remote transactions, including but not limited to internet or mail-order sale, by a Tobacco Retailer licensed pursuant to this Bill.

(A)(2) Section 8(A) (1) shall not apply to a Tobacco Retailer that:
   i. is also a retail tobacco business or retail electronic cigarette store, as defined by N.Y. Public Health Law §§ 1399-n (7 and 11), and
   ii. does not permit entry to persons below age 21 years or Albany County minimum legal sales age for a Tobacco Product, whichever is higher, and
   iii. Sells, offers for sale, or distributes a Covered Product exclusively for use on the premises of the Tobacco Retailer.

Section 9: Revocation of Licenses

(A) The Department may suspend or revoke a Tobacco Retail License issued pursuant to this Bill for violations of the terms and conditions of this Bill or for violation of any federal, state, or local law or regulation pertaining to (a) trafficking in contraband Tobacco Products or illegal drugs, (b) the payment or collection of taxes on Covered Products, (c) the display of Covered Products or of health warnings pertaining to Covered Products, or (d) the sale of a Covered Product.

(B) The Department may revoke a Tobacco Retail License if the Department finds that one or more of the bases for denial of a license under Section 5 existed at the time application was made or at any time before the license issued.

Section 10: Violations and Enforcement
(A) The Department or its authorized designee(s) shall enforce the provisions of this Bill. The Department may conduct periodic inspections to ensure compliance with this Bill.

(B) In addition to the penalties provided for in Section 8, any Person found to be in violation of this Bill shall be liable for civil penalty of not more than $500 for the first violation, not more than $1000 for the second violation within a two-year period, and not more than $5000 but no less than $1500 for the third and each subsequent violation within a two-year period, or as determined by the Commissioner. Each day on which a violation occurs shall be considered a separate and distinct violation. These fines will be used for County anti-smoking/anti-vaping public health efforts.

Section 11: Rules and Regulations

The Department may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this Bill.

Section 12: Severability

The provisions of this Bill are declared to be severable, and if any section of this Bill is held to be invalid, such invalidity shall not affect the other provisions of this Bill that can be given effect without the invalidated provision.

Section 13: Effective Date

The effective date of this ordinance shall be 120 days subsequent to its filing with the Office of the Secretary of State.
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

Introduced: 11/13/18
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